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ZBA MEETING MINUTES
TOWN OF LLOYD ZONING BOARD

Thursday, February 25, 2016

CALL TO ORDER TIME: 7:04 pm

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: Anthony Pavese, Paul Gargiulo, John Litts, Paul Symes, Alan Hartman, Peter Paulsen, Elaine Rivera, Anthony Giangrasso; Code Enforcement Officer, David Barton; Building Department Director, Terresa Bakner; Planning & Zoning Board Attorney
Absent: Michael Guerriero; Town Board Liaison

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

Sign Approval

Sign - Pomo doro, 4-8 Haviland Rd, SBL#96.1-1-14.100, in GC zone.
The applicant would like a 22.7sq. ft. internally illuminated building roof sign.
The applicant is seeking a use variance for roof placement and an area variance for 9.4 sq. ft. of relief for the size of the sign.

<u>Permitted</u> 13.3 sf	<u>Actual</u> 22.7sf	<u>Variance Request</u> 9.4sf
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100-28 Signs
D. Prohibited signs. All signs not specifically permitted are prohibited. Prohibited signs include but are not limited to:
(1)
Roof signs.

This application was reviewed by the Board at previous meetings; the public hearing was opened and closed on January 14, 2016 with no comments from the public. At that meeting the Board had tabled their DECISION anticipating Ulster County Planning Board comments. On Feb. 11, 2016 the Board did not reach a quorum to hold a meeting.

Nancy Forrest with Gloede Signs, the applicant’s representative, was present for the meeting.
Paul G: The general feeling of the Board was that this is not being placed on the roof top.

Terresa Bakner: The Town law says that roof signs are prohibited. The difficulty with this sign is that it looks like it is on the roof, because there is a piece of the roof that is sticking out and then there is the sign and then there is the roof on top.

Anthony Pavese arrived to the meeting. (6:08pm)

The Board reviewed Use Variance criteria and completed a DECISION for a Use Variance approval. (See attached)

An applicant must demonstrate to the Board – unnecessary hardship. Such demonstration includes all of the following, for each and every permitted use:

Board of Appeals shall consider:

(1) Cannot realize a reasonable return – substantial as shown by competent financial evidence;

Generally, a reasonable return requires the ability to advertise a business like this so that they can get people into their business from that direction. From the Business' perspective, they want to have a sign in that direction and this is really the only place they can affix a sign to the building in that direction. The proposed sign placement is the only way people driving in that direction would know they were there. In this case the Board acknowledged that it would be a financial hardship for the applicant not to be able to advertise in that direction given the configuration of their location and strange configuration of the roof.

A **Motion** to accept (1) above was made by Alan Hartman, seconded by Paul Symes.

ROLL CALL VOTE

Chairman; Anthony Pavese - Aye, Paul Gargiulo; - Aye, Alan Hartman - Aye, John Litts - Aye, Paul Symes - Aye.

(2) Alleged hardship is unique and does not apply to substantial portion of district or neighborhood;

This does not apply to any other building or business, in the same type of circumstances that the Board is familiar with.

A **Motion** was made that the Board believes the alleged hardship is unique and does not apply to the substantial portion of the district or neighborhood by John Litts, seconded by Paul Gargiulo.

ROLL CALL VOTE

Chairman; Anthony Pavese - Aye, Paul Gargiulo; - Aye, Alan Hartman - Aye, John Litts - Aye, Paul Symes - Aye.

(3) Requested variance will not alter essential character of the neighborhood;

This is in a business district and there are similar businesses around.

A **Motion** that this business sign is suitable for the neighborhood was made by Paul Gargiulo, seconded by John Litts.

ROLL CALL VOTE

Chairman; Anthony Pavese - Aye, Paul Gargiulo; - Aye, Alan Hartman - Aye, John Litts - Aye, Paul Symes - Aye.

(4) Alleged hardship has not been self-created;

The business moved into the building with the configuration of the roof being the way that it is, it has not changed.

A **Motion** was made that the hardship was not self created by Paul Symes, seconded by Alan Hartman.

ROLL CALL VOTE

Chairman; Anthony Pavese - Aye, Paul Gargiulo; - Aye, Alan Hartman - Aye, John Litts - Aye, Paul Symes - Aye.

A **Motion** was made in favor of granting the use variance by Chairman; Anthony Pavese - Aye, Paul argiulo; - Aye, Alan Hartman - Aye, John Litts - Aye, Paul Symes - Aye.

The Board reviewed AreaVariance criteria and completed a DECISION for Area Variance approval. (See attached)

Balance-of-Interests Test – Board of Appeals shall balance benefit to applicant with detriment to health, safety & welfare of the community.

Board of Appeals shall also consider:

(1) Whether benefit can be achieved by other means feasible to applicant;

The Board agreed that is really the only place the business can affix a sign to the building in that direction.

(2) Undesirable change in neighborhood character or detriment to nearby properties;

This is in the business district and will fit into the character of the neighborhood.

Whether request is substantial;

At the Boards request, the applicant recalculated the size of the sign, making for less of a variance request.

Whether request will have adverse physical or environmental effects;

No.

Whether alleged difficulty is self-created.

The business moved into the building with the configuration of the roof being the way that it is, it has not changed.

Conditions imposed (only if variance was granted) None, the applicant was asked to make changes and they complied by recalculating the size of their sign.

A **Motion** to grant the 9.4 s.f. area variance for the sign was made by Paul Symes, seconded by Anthony Pavese.

Chairman; Anthony Pavese - Aye, Paul Gargiulo; - Aye, Alan Hartman - Aye, John Litts - Aye, Paul Symes - Aye

A **Motion** to adjourn was made by John Litts, seconded by Anthony Pavese. All ayes.