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ZBA MEETING MINUTES
TOWN OF LLOYD ZONING BOARD

Thursday, September 10, 2015

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CALL TO ORDER TIME: 7:00PM

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: Chairman Anthony Pavese, Paul Gargiulo, Paul Symes, John Litts, Alan Hartman, Peter Paulsen, Anthony Giangrasso, Deputy Building Inspector
Absent: Tim Marion

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

New Public Hearings

Sawco Project Development 3515 Route 9W 88.13-7-12 GB, 3515 Route 9W, 88.13-7-12, in GB zone.
The applicant would like a variance to raise the existing sign above the maximum height of six feet.
Required 6' Actual 10' Variance 4'

100-28 Signs

H. Permanent signs within other districts.
2. Designed Business District and General Business District.
(a) For lots with a single stand-alone business establishment, the following signs shall be permitted:
[2] Not more than one monument sign with a sign area no larger than 50 square feet per face and a height maximum of six feet (including the base). The sign must be set back 15 feet or more from the edge of pavement and must be fully located on the applicant's property.
Patti Brooks of Brooks & Brooks Land Surveying, the applicant's representative, was present for the meeting.
Cynthia Sporato, COO of Sawco, was present for the meeting.
Anthony G. informed the Board that when the sign was first installed it was installed about one foot shorter than it was supposed to be. Now in the area where the sign is, because of snow and a berm at the car wash across the street it is hard to see the sign. The applicant would like to raise the sign to make it more visible so perspective customers can see it in advance and not have to drive by and come back.
Anthony Pavese read the Public Hearing Notice.
A **Motion** was made to open the public hearing by Paul Gargiulo, seconded by Paul Symes. All ayes.
Susan Bacchi of 82 Grand St: I would like to know if this is an illuminated sign?
Patti B: It is the same sign that is there now, it will just be raised up on piers to make it more visible (did not finish)
Ms. Bacchi: Is that illuminated?

42 Patti: No, it is not illuminated now and it will not be illuminated when it is raised.

43 Ms. Bacchi: I bring that up because I live across from the Bank and I have photos of the view from our
44 window to show the illumination. (Ms. Bacchi had photos of summertime with the trees blocking) In the
45 winter time even though I have shades and curtains on our windows the light comes through.

46 The Board reviewed the photos and agreed that the bright light was not from the sign but from the side of the
47 building, the drive through perhaps.

48 Ms. Bacchi: I will address that at a different meeting. I may need to get on an agenda regarding too much
49 illumination. Review of the sign is a different segment but I do not believe all of that is essential lighting, and
50 this is after business hours. I believe you can have security without so much lighting. If I need to come back I
51 will.

52 Paul G: We are here to help everybody. My recommendation is that you go to the Town Building Enforcer
53 and you file a complaint and they will look into it for you. But at this meeting now (interrupted)

54 Ms. Bacchi: I understand that but I did not know what sign they were talking about.

55 Paul S: You just wanted to question if they were going to make this sign illuminated.

56 Ms. Bacchi: Yes because I did not want more light in my window.

57 Anthony P. asked Patti B. if she would like to make a presentation.

58 Patti distributed copies of the sign that is being proposed.

59 This sign has been approved by the Planning Board.

60 Patti: We will need to go back to the Planning Board for revision of the site plan after we are done with this
61 Board. As we had discussed with the Board previously, we have a problem right now with the site distance
62 coming South bound on 9W because of the berm that is along the car wash area and because of the elevations
63 on the street the sign is not visible. (Photographs are on file) There was great discussion last month on the
64 location of the sign and the height of the sign. We found in our files two photographs showing the Casa Mia
65 sign and it is in the same place that the Sawyer Savings sign is in right now. This sign is substantially lower it
66 will be half of the height of what the original Casa Mia sign was.

67 Patti discussed all street signs located at the corner of Merritt Ave. and any impeding views that the raised sign
68 may have, which were none.

69 Patti: If you are at the white stop line (coming down Merritt Ave.) looking in the southerly direction the only
70 signs you see are the stop sign and Merritt Ave. sign because you are already in front of the Sawyer Savings
71 sign.

72 John L: My only concern is that 9W gets a lot of truck traffic, so if you raise the sign that would be right in the
73 line of site of a heavy truck if it were to come down Merritt Ave. I am not sure if this is a truck restricted road
74 but I know Merritt Ave has the potential of being a jump road because North Rd. is only a one way.

75 Patti: This is an East West 10ft separation so even a heavy truck is not any further back. The sign would still
76 not impede vision.

77 Anthony P: So what you are saying is that the truck creeps past the sign before the line of site opens up.

78 Patti: From the stop bar to the white fog line is another 11ft., so even after you creep forward you are not
79 beyond the white fog line of 9W.

80 John: I would like to take a ride out there and look at this.

81 Paul S: I went out there and took a picture from the stop bar on Merritt Ave. and if that sign was up 20 ft. I
82 would still be able to see cars from the south coming north. There was no impediment at all for a truck or car.
83 I am more than satisfied.

84 John: (As he looked at the photos) I misheard and misunderstood where the photo was taken from. I thought
85 you had to creep forward of the bar to get the photo. I am satisfied. Paul G: I went by there and as I stopped
86 on Merritt Ave. I had to look back to see the sign.

87 Alan: I had a concern last time and it was not the first car it would be the second car coming down Merritt
88 Ave. If the sign is lifted the second car back would have their view blocked
89 Patti: Perhaps when they are the second car the sign would be in the way but certainly as they proceed forward
90 to the stop sign their sight would not be blocked.
91 Alan: My problem is that that the whole intersection is a problem. If you really look at it, with or without the
92 sign, that intersection is not safe.
93 Anthony P and other Board members responded that that issue is with Department of Transportation.
94 Alan: Merritt Ave. is a very steep road under good conditions, under bad conditions there was a woman who
95 called the Town because she would not even drive her car down the road. My point is the hill is the problem.
96 So now you have cars traveling on 9W at 55mph and you could to have a bunch of people waiting to go North
97 from that road and they could get impatient and if it is slippery or something they are going to want to be
98 moving. My point is it not the sign the intersection is the problem. I think Mike Guerriero made a suggestion
99 last time to move it down a little, but the point is it would be a lot safer if the sign was higher or where it was
100 to start with. Also if DOT looked at that there are a lot of things they may consider maybe even go down to
101 45mph. I personally think this Board would be remiss if they do not have the DOT take a look at this. And I
102 do not think that you want to move a sign two or three times either. I do agree it is a problem the way it is.
103 A **Motion** was made to close the public hearing by Paul Gargiulo, seconded by Paul Symes. All ayes.
104 Anthony read over the Decision. (See attached)
105 Balance of Interest test was reviewed.
106 (1) Whether benefit can be achieved by other means feasible to applicant?
107 There were no alternatives due to topography and geometry of the property to the North and Route 9W. The
108 sign is already moved as close to 9W as it can be based on the current highway bounds. With safety concerns
109 kept in mind as well. More exposure can only be achieved by raising the sign.
110 (2) Undesirable change in neighborhood character or detriment to nearby properties?
111 No.
112 (3) Whether request is substantial?
113 The minimum height required to achieve the goal of providing a safe sight distance to drivers heading south
114 giving them reaction time to exit the highway has been determined to the height of 10ft.
115 (4) Whether request will have adverse physical or environmental effects?
116 No, it opens the line of site more if anything.
117 (5) Whether alleged difficulty is self-created?
118 No. The applicant proceeded with site plan approval and good faith in order to follow the sign ordinance
119 however over the course of the past year it has become evident that the sign height is causing a detriment to the
120 patrons looking for the Bank and causing a traffic hazard on 9W with drivers having inadequate time to
121 properly signal their highway exit.
122 Alan: I think it would be safer and a better fit to have it higher and in the center of the lot, somewhere where
123 the original sign was.
124 Patti: The original sign was in the exact location as the existing Sawyer Savings Bank sign.
125 John: This sign is illuminated or it is not?
126 Ms. Sporato: It is not ground lit. It has luminance inside two panels.
127 John: It is illuminated.
128 Ms. Sporato: I do not know how you define illuminated it is lit. It is not ground illumination.
129 John: This is significant because the public did have a concern about an illuminated sign which right now is at
130 six feet and is going to be raised to ten feet.
131 Patti: We will be going back to the Planning Board and the illumination can be addressed at that point in time
132 with the Planning Board as a site plan issue.

133 John: Right but it can also be a condition, from this Board, to raise it and not have it illuminated if it offends
134 the neighbors. It is still in our court to a point.

135 Paul G: From where Ms. Bacchi is, she cannot see the illumination. She is looking at the side of the sign
136 which is not lit. The sign does not face the road.

137 John: She is perpendicular to it. If she is at a slight angle she could absolutely see the sign.

138 Anthony G: You need to remember you have the Mobile station, Americas Best Value, you have the car wash
139 they are all illuminated signs.

140 John: I am only coming at this because I was told it was not illuminated and it is.

141 Anthony G: On the site plan where they did the calculations for the lumens and foot candles on the whole
142 area, this is not changing.

143 John: If they raise the sign the ground coverage would change and you would see it further.

144 Peter P: With the sign being higher you actually get less foot candles reflecting off of the ground.

145 Patti: I understand this is an issue and that there is a neighbor concern what I would request the Board to
146 consider granting the height variance conditional upon the Planning Board reviewing the impact of the lighting
147 of the sign as part of their site plan review. That way we are achieving our goal to move forward to the next
148 step and this Board has a sense of security of another reviewing agency.

149 Alan: My concern is now the drivers coming down Merritt Ave. they are now going to have to look around
150 this lit sign to see the cars coming up 9W.

151 Anthony G: Patti has to go back to the Planning Board. They will ask "What will this change in the impact?"
152 Don't forget you have a parking lot that is already illuminated with lighting and you have parking lot lights.
153 Because of the misunderstanding the Board reopened the public hearing.

154 A **Motion** to re-open the public hearing was made by Anthony Pavese, seconded by Paul Gargiulo. All ayes.

155 Paul G asked Ms. Bacchi how much of an impact will the same sign being raised have as an impact on her.

156 Ms. Bacchi: The photos I showed you were taken on Mon. In the winter time there is no coverage. That used
157 to be all trees there until the DOT took it and put in the jug handle, which used to be part of our property.
158 They took out all of the trees and put in a bunch of trees that did not live so we do not have any coverage there
159 at all in the winter. I do not know what it will be when the few trees that are there are bare in the winter.

160 Paul: What happened last winter?

161 Ms. Bacchi: I cannot remember last winter. I do know that since that bank has been up it's mainly the (did not
162 finish)

163 Anthnoy P: The building?

164 Ms. Bacchi: I don't know what part of that is the sign or what.

165 A **Motion** was made to close the public hearing by Anthony Pavese, seconded by Paul Gargiulo. All ayes.
166 The Board discussed conditional approval which is contingent upon review of the luminance impact of the new
167 sign height by the Planning Board. This should include public comment.

168 Vote was taken: Paul Symes – Aye, John Litts – Aye, Paul Gargiulo – Aye, Anthony Pavese – Aye, Peter
169 Paulsen - Aye

170 A **Motion** was made to accept this Decision with conditions by Anthony Pavese, seconded by Paul Gargiulo.
171 All ayes.

172 Motion carried.

173

174 **Kelley "Stonehouse Gardens" 227 South St 86.4-3-42 A**, 227 South St, 86.4-3-42, in A zone.
175 The applicant would like a 48"x 28" (7.5 sf) sign , with landscaping light, for their barn venue business. Four
176 square feet of signage is permitted for this venue. The applicant is requesting a variance of 3.5 square feet.

177 *Required 4sf Actual 7.5sf Variance 3.5sf*

178 **100-28 Signs**

179

180 G. Permanent signs within residential and agricultural districts.
181 (2)
182 For each permitted Class II home occupation, one nonilluminated sign with an area of not more than
183 four square feet per face.
184 Mr. and Mrs. Kelley were present for the meeting.
185 Anthony G. Informed the Board on this application's history. They were granted a special use permit for a
186 barn venue. They are permitted 4 s.f. of signage; they are in a secluded area and are asking for a larger sign.
187 (The applicants had the actual sign with them)
188 Mr. Kelley: Our plan is that it be hung on two posts with a cross beam; it will be hung from two chains. It will
189 only be out there if there is an event or if someone is stopping by to whom we are trying to sell an event. We
190 want it to be removable because this is our main residence.
191 A **Motion** was made to open the public hearing by Anthony Pavese, seconded by Paul Symes. All ayes.
192 No public comment.
193 A **Motion** was made to close the public hearing by Anthony Pavese, seconded by Paul Symes. All ayes.
194 Paul G: This is a home occupation that is where the four square feet comes from.
195 Because the applicant would like to have his sign lit they will need a variance for this as well. This will be one
196 variance for both the square footage and the light. The Board requested that the light be facing the sign and
197 pointed away from the road.
198 Anthony G: I do not see anything about the height, how high will the sign be off of the ground?
199 Mr. Kelley: It will meet whatever the requirements are.
200 Anthony G: You must meet the height requirement of 6 ft. The code says up lighting is prohibited. So the
201 light must be from the top crossbar shining downward to prevent sky glow.
202 The Board continued lighting discussion.
203 Anthony P. read over the Decision. (See attached)
204 Balance of interest test was reviewed.
205 (1) Whether benefit can be achieved by other means feasible to applicant?
206 No. Not for this application.
207 (2) Undesirable change in neighborhood character or detriment to nearby properties?
208 No.
209 (3) Whether request is substantial?
210 No.
211 (4) Whether request will have adverse physical or environmental effects?
212 No. This is not a dense area where a sign this size might offend a neighbor.
213 (5) Whether alleged difficulty is self-created?
214 Yes, because the applicant needs the sign of some size to advertise or locate their place of business.
215 The Board discussed conditional approval which will include a down pointed light which shines away from the
216 road, towards the house.
217 Anthony G: Subject to building permit.
218 Vote was taken: Paul Symes – Aye, John Litts – Aye, Paul Gargiulo – Aye, Anthony Pavese – Aye, Peter
219 Paulsen - Aye
220 A **Motion** was made to accept this Decision with conditions by Anthony Pavese, seconded by Paul Gargiulo.
221 All ayes.
222 Motion carried.
223 A **Motion** to approve the minutes from the August 13, 2105 ZBA meeting was made by Paul Gargiulo,
224 seconded by Alan Hartman.
225 A **Motion** to adjourn was made by Anthony Pavese, seconded by John Litts. All ayes. 8:16pm