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ZBA MEETING MINUTES
TOWN OF LLOYD ZONING BOARD

Thursday, January 14, 2016

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CALL TO ORDER TIME:

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: Anthony Pavese, Paul Gargiulo, John Litts, Paul Symes, Anthony Giangrasso; Code Enforcement Officer, Michael Guerriero; Town Board Liaison, Rob Stout; Planning & Zoning Board Attorney
Absent: Tim Marion, Alan Hartman, Peter Paulsen

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

Pomodoro Café, 4-8 Haviland Rd. Use and Area Variance 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>	<u>Actual</u>	<u>Variance Request</u>
13.3 sf	22.7sf	9.4sf

The Board reviewed a letter from the Planning Board who was in favor of the placement and size of the sign should the ZBA fine the use and area variances appropriate.
A **Motion** to open the public hearing was made by Anthony Pavese, seconded by Paul Gargiulo. All ayes. There was no public comment.
A **Motion** to close the public hearing was made by Anthony Pavese, seconded by Paul Symes. All ayes.
Rob Stout, Attorney filling in for Terresa Bakner, informed the Zoning Board that with a Use Variance and Area Variance part of the approval is to have the County Planning Board sign off, this is required because the property is within 500ft. of a State or County Road. This is the reason why approval is postponed. In addition to holding the public hearing the Board was able to review SEQRA.
The Board went through the Short EAF form.
Resolution of Determination of Non- Significance was read. (See attached.)
A **Motion** to accept this Resolution of negative declaration was made by John Litts, seconded by Paul Gargiulo. All ayes.
John L: What is our responsibility on part 1 of the SEQRA form?

41 Rob: You have to rely on the information provided by the applicant. They signed a certification stating that
42 that was true.

43 John: Is it this Board's responsibility or anybody's responsibility to research the applicant's answers?

44 Rob: If it was something more comprehensive than you would be looking for some supporting documentation.
45 The Department of Environmental Conservation DEC does have a website with tools for you to use. You do
46 not have to form your own independent investigation of each of the questions.

47 John: So it is on the applicant?

48 Rob: It is on the applicant and if the project were more sophisticated you would see a fuller application with
49 more supporting documentation.

50 John: This is a bad example?

51 Rob: Yes. You do rely on the applicant, but for some of the questions, depending on the project, you will
52 want to see additional documentation which they should submit to the Board.

53 John: But we do have the authority to question their answers.

54 Rob: Yes.

55 The Board discussed the Use variance part of this application suggesting alternative sign mountings to avoid
56 the roof mount.

57 John: What does the code book say is the definition of roof sign? The code book does not define a roof sign.
58 In my opinion a roof sign would be a sign that is free standing above a structure. I think that would be the
59 spirit of the law. So I don't know if the mounting bracket is a major concern because I do not consider this, by
60 definition, a roof sign. If we move it up and the sign is above the top of the structure and exceeds the roof line
61 I personally would feel that that is more of a roof sign. Right now the backdrop of the proposed sign is an
62 actual structure.

63 Anthony P: I am wondering if penetrating the roof itself is what the interpretation would be.

64 John: Personally I do not think the mounting is what the spirit of the law is. I think free standing above a
65 structure as a roof sign.

66 Nancy: That is how other Towns do it. When you have a gable and the sign is sitting in it and it does not
67 exceed the roof line, it is not considered a roof sign.

68 Rob S: Because of the ambiguity of roof signs, I think it is best to treat it as a Use Variance so that you have
69 no ambiguity on whether or not it is prohibited.

70 The Board discussed signs and signs on roofs, while discussing what the Drafters of the Code had in mind
71 while writing the Code.

72 Rob S. suggested the Board write a letter to the Town Board suggesting clarification on what the definition of
73 a roof sign is.

74 Rob reviewed the summary of Use variance criteria.

75 Rob: It is up to the Board but maybe you can speak to this tonight, (to Nancy Forrest, representative with
76 Gloede Signs) is addressing the economic issue. If you are not able to have this sign what the economic
77 ramifications would be.

78 Nancy: As I discussed with the Planning Board, the location of the building with the side entrance and the
79 construction of the building, the parking is directly in front of the front door. There are windows in the lower
80 wall of the building so you cannot really put a sign. The business does want to get some attention from 9W
81 that is why the Planning Board understood what we were asking for. There are two tenants in this building and
82 the other tenant has what would be the actual front of the store. There is no façade to put the sign anywhere
83 that is why we asked for this location. Economically, everyone drives an SUV or pickup and this is a sign that
84 would never be seen even going down Haviland Rd. They will be economically affected if passersby do not
85 know they are there.

86 Rob reviewed the summary of Area Variance criteria, this was addressed by the applicant.

87 The Board reviewed the site plan and discussed, with the applicant, the possibility of a free standing sign. This
88 building is part of a site plan which will eventually have another building and was also approved for a
89 monument sign. The applicant's proposed sign appears to be the best fit for this buildings proposed business.
90 This application will need to be sent to the Ulster County Planning Board.
91 Approval of the minutes from the December 2015 meeting is postponed until next meeting.
92 A **Motion** to adjourn was made by Paul Gargiulo, seconded by John Litts. All ayes.
93 The Board discussed Board member responsibilities.
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