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ZBA MEETING MINUTES
TOWN OF LLOYD ZONING BOARD

Thursday, May 12, 2016

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CALL TO ORDER TIME: 7:00pm

PLEDGE OF ALLEGIANCE

ATTENDANCE: Present: Paul Gargiulo, John Litts, Paul Symes, Alan Hartman, Peter Paulsen, Elaine Rivera, Anthony Pavese, Rob Stout; Planning & Zonning 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.

Closed Public Hearings

3509 Corp. (Community Car Wash), 3509 Route 9W, SBL#88.13-2-9, in GB zone.

Updated sign details.
The applicant would like to install a new freestanding LED sign on the existing foundation and pole of the current sign. They are requesting an area variance for the sign size and an area variance for the height. The permitted sign size is 50 sq. ft., the applicant would like 55.7 sq. ft., requesting a 5.7 sq. ft. variance. The permitted sign height is 6 ft., the applicants current sign pre exists at 18ft. high, he would like to have his sign stand at 22 ft., requesting a 16 ft. variance.
Charles Scott and Matthew Scott, the applicant's, were present for the meeting.
Charles: As you know we are seeking to replace the old sign that has been sitting at the curbside for the last 30 years. The last time we were here we were seeking a sign that was 57.2 sq. ft. in size and 23 ft. in height. It was suggested that we do whatever we can to pare that down a bit. The LED portion of the sign is something that we cannot change and have no control over. It is the configuration that the LED sign company is offering to us, and as I mentioned last time we are not going with the company that seems to control the market in the Mid-Hudson Valley, which is Watch Fire, there is another company, a nationwide company, called Light King. Light King offers a better product in terms of quality of the picture. When the Town was considering their sign ordinance they were hoping for 16mm pixel minimum, most signs today are a 19mm and are grainier. Because of the cost differential of the 19mm and 16mm the Town decided to stay with the 19mm pixel. This sign is a better quality in terms of the components. In order to achieve this we are limited to a 60" x 90" configuration. We went back to the sign company to see what we could do with the marquis on top of the sign and we were able to shave some square footage off of that. Before we were at 57.2 sq. ft. and now we are down to 55.7 sq. ft. that is about the smallest we could go without diminishing the size of the lettering on the marquis to where it would not be visible from the road. We have taken about one and a half foot off of the

43 square footage and in the process we have reduced the height. These may be distinctions without a difference
44 but we have reduced the height from 23' to 22'4". In the last three meetings I have explained why it is we
45 need to maintain the clearance underneath the sign, of 14 feet. The other thing we did was, the Board
46 expressed an interest in needing to know what the luminescence to the marquis sign would be. The sign
47 company has indicated on this latest drawing that the luminescence not exceed the 150 nits. Also since the last
48 meeting I have submitted a new short Environmental Form (EAF). In terms of the short environmental, we are
49 not disturbing any portion of the property. You asked that we pare it down and we have done that; we have
50 lowered it a little bit and we provided the Board with additional information in terms of the brightness of the
51 marquis sign. We addressed the brightness of the LED sign last time and we provided specifications from the
52 LED manufacturer. The sign is fully modulated to comply with the Town's zoning requirements for daytime
53 and nighttime brightness.

54 John: We did review all of that and we were good with the height, we were just trying to get the sign a little
55 bit smaller and you have done that. It also seems you have lowered it a little bit, which is a good thing as well.
56 You answered the question on the marquis sign, whether that was going to dim with the LED. I do not know
57 that there is much more that the applicant can do to become more compliant.

58 Rob: It was also mentioned, at the last meeting, that the sign would stay static during the evening hours.
59 Some discussions on Part 2 of the EAF form as follows:

60 Alan: As you all know I have a problem with this intersection. It is a very busy intersection. On the East side
61 you have the truck turn around, that is one entrance and one exit. You have a three lane highway going north,
62 that's 5 lanes. You have a three lane highway coming south, that is 8 lanes. You have ingress and an egress
63 coming from the bank, so that brings it up to 10 lanes. You have two lanes coming down Merritt Ave., which
64 would be 12 lanes. And then with your three lanes going in and out of the car wash, this brings it up to 15
65 lanes. There is no light there; I consider it to be a dangerous intersection especially with cars going 50 to 60
66 mph. The State is going to look for accidents and there are not going to be just fender benders here. I am
67 trying to get to a situation where I can vote yes on this, I think the sign is nice, my point is should these drivers
68 be looking 20 foot up in the air at a sign when they should be looking ahead. It looks like what happened
69 when the car wash went in is the land was filled in so there is already poor visibility going north.

70 Paul S: Is the pre-existing 18 ft. height considered grandfathered in? Will it always be 18 feet?

71 Rob: It will be for the existing sign. When putting up a new sign you must follow the current code.

72 Paul S: We are talking about a 16 ft. variance, which is a large request.

73 John: I understand our code wants a height of 6 feet. If you look across the street at Mobil and every place
74 else it is a similar situation, it is not like he is putting in something that is not similar to the rest of the
75 neighborhood. I do not see this as significant.

76 Paul S: I see your reasoning, OK.

77 Anthony P: I think it is significant because it is inconsistent with the Town's recently adopted design standard
78 for the GB zone.

79 Paul S: They want to keep the monument signs to 6 feet high.

80 Rob: A monument sign is permitted and a digital sign is permitted separately from a monument sign.

81 Question #1, on part 2 of the short EAF, was voted on as moderate to large impact.

82 The Short Environmental Assessment Form was completed. (On file)

83 The Zoning Board issued a negative declaration on SEQRA.

84 Rob: In reviewing the Balancing Test there are five components (questions), answering yes or no does not
85 mean there will be an automatic approval or disapproval. It is a balancing test and the determination will flow
86 from the discussion following the questions.

87
88

89 1. Whether benefit can be achieved by other means feasible to applicant?
90 The applicant has done all the he could to become more code compliant. This is relative to the height
91 limitations underneath the sign.
92
93 2. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to
94 nearby properties will be created?
95 No. Compliance to the code relative to luminescence was cited as well as the photometric study was cited.
96 A neighbor had concerns about the night time lighting being emitted from the sign and was not in favor of the
97 proposal. Taking into account the comments of this neighbor; a photometric sketch was reviewed which
98 demonstrated the intensity, by a percentage of 1 to 100, of how the luminescence changes in relation to the
99 viewing angle. If you are looking straight at the sign there is 100% luminescence, if you are at a 35 degree
100 angle from the sign (which is approximately where the neighbor is situated) the viewing angle will change in
101 intensity and the luminescence level would be in about the 25% range of brightness. In the evening the code
102 requires the lighting level to go down to 150 nits, the neighbor being at a 35 degree angle, the luminescence
103 would be 25% of the 150 nits.
104 In this compliance with the code relative to luminescence was cited.
105
106 3. Whether the requested area variance is substantial?
107 For this sign there are two variances being sought, the permitted sign size area is 50 feet, the applicant is
108 looking for 55.7 sq. ft. This differential is 5.7 sq. ft.
109 The permitted sign height is 6 ft., it is currently standing at 18 ft. and the applicant is looking for a 22 ft. sign
110 which is a differential of 16 ft.
111 This is a substantial request in regards to the height.
112 This is not a substantial request in regards to the size of the sign.
113 Alan: How about the illumination?
114 Rob: They are not requesting a deviation of what is provided in the code.
115 Alan: What is there now?
116 Rob: There is not an LED sign there now.
117 Alan: Going from a non-illuminated sign to an illuminated sign is not substantial?
118 Rob: It is permitted by the code. It is a change from existing conditions but it is allowed by the code.
119 Alan: And the neighbors seem to have a problem with the illumination.
120 Anthony P: The illumination is not in question right now; we are working on the size and the height of the
121 sign.
122 Rob: The output of the sign is consistent with the code.
123
124 4. Whether the proposed variance will have adverse effect or impact on the physical or environmental
125 conditions in a neighborhood or district?
126 This sign fits into the character of the neighborhood being in the GB zone.
127
128 5. Whether the alleged difficulty is self-created?
129 Yes, this is self created. The monument sign is requested in this zone but LED style signs are also permitted.
130
131 The Board reviewed the Ulster County Planning Board (UCPB) comments and Planning Board comments.
132 Because the UCPB had Required Revisions, the Zoning Board vote would have to be a supermajority vote to
133 grant the variances.

134 The Board reviewed the requested variances and acknowledged that the applicant had revised the signage to
135 become more code compliant, at the Board's request.
136

137 Alan: It does not seem like there is a reasonable route out of Highland, from the Fire Department all the way
138 up to Route 299. If you come down north of Grand Street you have an S turn, which brings you back the
139 other way and here at this intersection (Merritt and Route 9) there is no light. I personally think this Board
140 should consider making a recommendation to the Town Board to consider dropping the speed limit, taking
141 that turn around that is across the road and set it someplace else. I do not think it is safe and I think we need
142 some relief on that intersection before we consider putting up a sign up that will be (inaudible). My point is
143 without some relief on that intersection I do not see how I can vote for a sign that I do not have a (inaudible).

144 Paul S: I do agree with the safety issue. People driving along doing 60 mph and looking up, there are signs
145 all around the building they know there is a car wash there and that it is open. Because of the safety issue I do
146 not see why the variances are needed.

147 Alan: If you look at the car wash sign coming south on Route 9W the car wash sign is blocked by the place
148 where you donate clothes or something like that.

149 Charles: We can remove that. That was just a service to the community.

150 Alan: When we look at all of these diagrams we are not really looking at elevation. That road (Merritt Ave?)
151 coming down into 9W is at about a 30% incline. There was a woman there who was coming down side ways
152 one winter, with her car. These are all the type of things we need to consider. We look at this and think of a
153 nice day but what if trucks are coming in and out of the car wash and spreading water on the road and creating
154 black ice on a cold day. Basically I think someone should put a light at that corner, there is a turn around that
155 should not be there it should be someplace else. As far as the car wash sign being a detriment to the resident,
156 they have tractor trailers turning around behind their house that must be a detriment. As far as the sign is
157 concerned (in audible), I just don't like the speed limit at 55-60mph and I don't care for all of the activity and
158 exposure we have.

159 John: So the applicant will be penalized in promoting his business because the state highway is a 55mph
160 highway?

161 Alan: 55-60 it is not enforced less than 60mph.

162 Paul: He cannot move this any place else. He compromised on the height; it is in character with the
163 neighborhood. If the sign was lowered you risk trucks taking it down. I think a monument sign would be
164 more of a risk with cars going around each other.

165 John: I agree. It was brought up that he has existing signs around the building, they are difficult to see and it
166 is a 55mph roadway. This sign will be visible from a greater distance at a straight shot more so than if you
167 are going 55mph see the car wash on the hill with the sign it's too late, you will be locking up your brakes to
168 make the left turn. If you can see the sign a greater distance you have time to slow down get in the left lane
169 and turn.

170 Charles: We have removed about 700 feet of signage from that building and taken down all of the canopies
171 that had signage on it. There were flags and banners that were taken down in addition to another 48 foot sign
172 over the exit of the mechanical bay. We have gone to great lengths to clean up and make the property
173 attractive. I am asking for an extra 5.7 feet of signage, I have removed 700 ft. of signage.

174 John: I feel that our function as a Board is to allow the minimal amount of relief for the applicant. I
175 personally feel that he has done that. He has proved to us why the sign needed to be elevated, he has shrunk
176 the sign to be more compliant with our code. It is my feeling that the applicant has done all that we have
177 asked in previous meetings.

178 Paul S: Have you ever thought of a vertical sign, where it would say car wash top to bottom and still be lit
179 up?

180 Charles: I think as far as the LED portion is concerned the metric for any signage is width greater than
181 height, and as I have mentioned in previous meetings one of the reasons we have chosen the LED sign, besides
182 from the fact that is now the industry standard for signage, and it is low voltage, and it is low wattage and it is
183 energy efficient all of those things, is that we intend to offer this to the community to advertise their needs.
184 As I was driving up here today there is a sandwich board along 9W by the fire house; Highland Central
185 School District Budget vote May 17, 2016 or whatever date, this is a sign sitting alongside of the road if you
186 are driving by at 55 mph they can advertise their budget vote when the time comes. When the senior play
187 comes around the high school can advertise on this sign, there is a reason why this facility is named the
188 Community Car Wash and not something else. I grew up in this community, my family lives in this
189 community, I spend every weekend in this community and we are trying to build something that would
190 benefit the community as opposed to the place that was there before where people only went there if you had
191 to.

192
193 **ROLL CALL VOTE**

194 A **Motion** to approve a sign size variance of 5.7 square feet was made by Anthony Pavese, seconded by Paul Symes.
195 Chairman; Anthony Pavese; Aye, Paul Gargiulo; Aye, Alan Hartman; Nay,
196 John Litts; Aye, Paul Symes; Nay.

197
198 **ROLL CALL VOTE**

199 A **Motion** to approve a sign height variance of 16 feet was made by Anthony Pavese, seconded by John Litts.
200 Chairman; Anthony Pavese; Aye, Paul Gargiulo; Aye, Alan Hartman; Nay,
201 John Litts; Aye, Paul Symes; Nay.

202
203 Because the Ulster County Planning Board recommended denying the variance request a super majority vote is needed to
204 grant the variance.
205 The variance requests are denied.

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208 **Administrative Business**

209
210 A **Motion** to approve the Minutes from the April 14, 2016 ZBA meeting was made by John Litts, seconded by
211 Paul Gargiulo. All ayes with Anthony Pavese abstained.

212
213 A **Motion** to adjourn was made by Anthony Pavese, seconded by Paul Symes. All ayes. 8:00pm
214