

**Town of New Scotland
Zoning Board of Appeals
Minutes
November 23, 2010**

Present: William Hennessy, Chairman, Lance Moore, Robert Parmenter

Also Present: Jeff Baker, Attorney, Paul Cantlin, Town Inspector, Jeremy Cramer, Town Inspector

Absent: Keith Menia, Town Engineer, Adam Greenberg, Wayne LaChapelle

Public Hearing 7:00 P.M.

Continuation - Variance Application # 438: Application submitted by Spencer Sisson for relief from Article II, Section 190-32(C)(5) of the Zoning Law to be allowed to erect a sign within a front yard setback. The parcel is owned by Spencer Sisson, is located within the Commercial District at 1990 New Scotland Road and is identified as New Scotland Tax parcel id # 84.-2-28.1. Article II, Section 190-32(C)(5) of the Zoning Law requires that the setback for a detached sign shall be not less than one half of the front building setback for the district involved. The Commercial District requires a minimum front setback of 50 feet. This request is for 14 feet of relief to allow for the sign to be erected within 11 feet of the front property line.

Mr. Hennessy invited Mr. Sisson up to explain his variance application. Mr. Sisson explained that he has an existing sign that is already there and it is on New Scotland Road. I bought the building this year and I got a permit to put the sign up. I also got a permit to my sign up on the existing structure, so that is where we are now.

Mr. Hennessy: How many signs are going to go on it?

Mr. Sisson: There is two right now, myself and one other. The max there would be three. Currently there is just two.

Mr. Hennessy: One of the issues that have come up in the commercial district lately is the sandwich signs. Given that this is a pre-existing sign I was considering maybe we would modify that condition a little bit to say the sandwich board sign would be acceptable during business hours, but would have to be taken down at the end of each day. This variance goes with the land not just the tenant. A condition on a sandwich board only being allowed during hours doesn't just go to Mr. Sisson, but it goes to the other tenants on his property.

Mr. Cantlin: It goes with this application for this property.

Mr. Hennessy: We did look at sight distance and impact of the property on sight distance for the adjoining property. It is a difficult curve, but it did meet the criteria that the town engineer had for sight distance.

Mr. Hennessy opened up the meeting for public comment.

Mr. Abrams: I have a question because I got here late. What was the issue having to do with the sandwich board signs?

Mr. Hennessy: In the Route 85 corridor a mitigating factor for allowing signs to be in the setback has been to preclude the use of sandwich board signs or to limit them, because the applicant are erecting

signs within the setback it might be a little too close to the road so we are trying to limit the amount of signs that may be right next to the road also.

No other comments Mr. Hennessy closed the public hearing.

Regular Meeting:

Discussion/Action minutes of October 26, 2010: Mr. Moore made a motion to accept the October 26, 2010 minutes and Mr. Parmenter seconded the motion. All in favor motion so carried.

Discussion/Action Variance Application # 438:

Mr. Hennessy: Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby property will be created by granting of the variance.

Mr. Hennessy: I don't believe that it is an undesirable change. It is an existing sign in the commercial district. We looked at sight distance and it did not appear to provide a detriment to nearby property.

Mr. Hennessy: Whether the benefit sought by the applicant can't be achieved by some method feasible for the applicant to pursue other than an area variance.

Mr. Moore: No he would have to move the whole thing.

Mr. Hennessy: Whether the requested area variance is substantial.

Mr. Hennessy: It is about 50% of relief, but it is a pre-existing condition so it is not deemed substantial.

Mr. Hennessy: Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the district or neighborhood.

Mr. Hennessy: I don't believe so, there are no utilities involved with the sign.

Mr. Hennessy: Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA and shall not necessarily preclude the granting of the area variance.

Mr. Hennessy: I believe it was erected after zoning existed. It may be self-created.

Mr. Hennessy made a motion to allow a sign with the post of a maximum of 48 square feet and no single business sign can exceed 25 square feet per the zoning. The sandwich board signs will be displayed during business hours and need to be put away while the business is closed.

Mr. Parmenter seconded the motion. All in favor motion so carried.

Discussion/Comment:

Local Law "J", a local law Limiting the Terms and Providing a Code of Conduct for Zoning Board of Appeals Members. Would like to get some clarification from the Town Board.

Motion to adjourn. Mr. Moore made a motion to adjourn and Mr. Parmenter seconded the motion. All in favor motion so carried.

Respectfully submitted,

Lori Saba