

Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Meeting: February 25, 2015
7:30 p.m.

APPROVED 3/25/15

Chairman Frank Clegg called the February 25, 2015 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Members in attendance were: Chairman Frank Clegg, Steven Melnyk, Kim Keil, David Graziano, Oliver Milot, Chris Post, John Porto, attorney; Rob Fitzsimmons, engineer; Paul McCreary and secretary; Jodi Keyser.

Correspondence: None

Zoning Board of Appeals members reviewed the minutes of the October 22, 2014 meeting.

Motion to approve the October 22, 2014 meeting minutes was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried.

CONTINUING APPLICATIONS FOR 2/25/15:

NEW APPLICATIONS FOR 2/25/15:

Valley Energy Site Plan Review; Tax Map #(SBL)131 . – 1 – 27 Located at 5848 NYS Rte. 9-H in Claverack.

Area Variance for the height of a proposed 12-foot ground mounted digital price sign where 8-foot is allowed by zoning code.

Pat Prendergast presented the application for Valley Energy. Mr. Prendergast informed the Board that his client Valley Energy is seeking an Area Variance to erect a digital price sign at 12 feet high which is 4 feet higher than allowed. Mr. Prendergast informed the Board that his client was at the Town of Claverack Planning Board last year for a Site Plan Review for the relocation of existing fuel pumps and for those pumps to be upgraded. Mr. Prendergast continued that after the Site Plan was approved someone at the company decided that a sign would be needed to display the daily pricing. Mr. Prendergast continued that a sign was not part of the original Site Plan. Mr. Prendergast explained that the 3-foot X 4-foot digital sign would be mounted atop an 8-foot pole which would make it 12 –feet high. Mr. Prendergast informed the Board that the building roof is at 12-feet so this sign will not rise above the existing roofline. David Graziano informed Mr. Prendergast that the sign is allowed to be above the roofline if it is attached to the building, but this is a ground mounted sign. Mr. Prendergast continued that his client is concerned that an 8-foot sign would be a problem because people might hit their heads on it if they tried to walk under the sign. Chairman Frank Clegg asked if anyone could get fuel/gas from the new pumps or is it just for commercial customers. Mr. Prendergast informed the Board that originally only commercial accounts could fuel up at the pumps but now anyone with a credit card can now obtain fuel/gas from the pumps because they are equipped with a swipe mechanism. Chairman Frank Clegg asked if the monitoring well shown on the maps is above grade or below grade because it appears that it will be in the way of fueling vehicles. Mr. Prendergast explained that the map shows fencing and not a monitoring well. Mr. Prendergast explained that there are a couple of pieces of fencing to delineate the two entrances/exits to the pumps and he understood that it is not really clear on the maps. Mr. Prendergast informed the Board that his client has not changed the business or entrance at so he can't understand why Town of Claverack Building Department's Stan Koloski would require a NYS DOT review.

David Graziano informed Mr. Prendergast that a couple of mistakes were found on the application. Page #2 should read Highway Commercial instead of Claverack in the district. Chairman Frank Clegg informed Mr. Prendergast that the Town of Claverack Planning Board would need to have a Site Plan Review. Mr. Prendergast informed the Board that he does not think that this requires another Site Plan Review but he will consult with TOC Building Department's Stan Koloski. Chairman Clegg informed the applicant that any changes to a business requires a NYS DOT review but that is up to the Town of Claverack Planning Board and the Town of Claverack Zoning Board of Appeals is only concerned with the Area Variance for the sign. Oliver Milot asked for more details of the type of sign, color of the digits and the brightness of the sign. Kim Keil informed Mr. Milot that the sign will resemble the signs at the X-tra Mart at the intersection of NYS Rte. 23 & 9-H. Mr. Prendergast stated that the digits would be red lights for the unleaded price and green for the diesel price. David Graziano asked if the lighting would be flashing or scrolling. Mr. Prendergast stated that the sign will not flash or scroll. Mr. Prendergast continued that Mr. Beck purchased the pole for the sign at a yard sale. John Porto stated that he did not feel that the sign would be overly illuminous. Oliver Milot stated that the X-tra Mart signs are in a more residential area and this sign is a more open area. Chairman Clegg asked the Board members if they have any issues with the height of the sign. Steven Melnyk stated that he did not have any issues with the height. John Porto stated that an 8-foot sign might be too low for trucks. Chris Post asked if the Board would be making precedence and if another applicant came in next year asking for a 12-foot sign would the Board be obligated to grant if they grant this variance. Rob Fitzsimmons stated that the applicant has made the argument for the need for the Area Variance and the Board has discussed options during the meeting which would support the argument and an approval would not set precedence. Oliver Milot asked how far the sign would be from the building because it looks very close on the map. Mr. Prendergast informed the Board that the sign is approximately 2 to 3 feet from the building.

Mr. Prendergast was instructed to submit a letter from Mr. Beck allowing him to represent the application and to meet with Town of Claverack Building Code Enforcement Officer Stan Koloski for the need for a Site Plan. Rob Fitzsimmons informed Mr. Prendergast that if the Building Department is requiring a Site Plan they will not grant a permit for the sign so it is wise to check with them. Set for public hearing at the March 25, 2015 meeting. Mr. Prendergast was instructed to obtain a sign from the Town Office to notice the public hearing.

Motion to adjourn was made by John Porto with a second from Steven Melnyk. All members were in favor. Motion carried. Meeting adjourned at 7:50 p.m.

Respectfully submitted,
Jodi Keyser, Secretary