

APPROVED 5/22/19

Town of Claverack
Zoning Board of Appeals
P.O. Box V
Mellenville, NY 12544
Minutes: November 28, 2018
7:30 p.m.

Chairman David Graziano call the November 28, 2018 meeting of the Town of Claverack Zoning Board of Appeals to order at 7:30 p.m.

Chairman Graziano led members of the Zoning Board of Appeals and audience with the Pledge of Allegiance. Members in attendance were: Chairman Graziano, Steven Melnyk, John Porto, Chris Post, attorney; Rob Fitzsimmons, engineer; George Schmitt and secretary; Jodi Keyser.
Absent with regrets: Roger Case

Correspondence: None

New Business: Chairman Graziano discussed with the Board members that the December meeting would fall on December 26, 2018 and asked their availability. Board members agreed to meet on Wednesday, December 26, 2018 which is the regularly scheduled date for the meeting.

Board members reviewed the minutes of the October 24, 2018 meeting. Motion to approve the minutes of the October 24, 2018 meeting was made by Steven Melnyk with a second from Chris Post. All members were in favor. Motion carried.

CONTINUING APPLICATIONS:

Ben Ezinga Area Variance: Tax Map #(SBL) 110 . – 1 – 31 . 3 Located at 441 NYS Rte. 66. Area Variance to replace an existing shed with less than the required side yard setback of 20’.

Mr. Ezinga was present for the application. Rob Fitzsimmons informed the Board that Mr. Ezinga presented his application at the October meeting and the Board agreed that because of the configuration of the house and roadway it was determined that this would actually be an area variance for a side yard setback instead of a front yard setback. Rob Fitzsimmons continued that Mr. Ezinga has 15 feet of setback and with this change would only need another 5 feet to meet the 20-foot side yard setback and not the 50-foot front yard setback. Rob Fitzsimmons continued that Mr. Ezinga chose to pursue an area variance instead of a simple Boundary Line Adjustment due to costs of new surveys and filing fees. Board members agreed that there were no issues with the application and change in the application from front yard setback to side yard setback.

George Schmitt reviewed the SEQRA Part 1 for the Board members.

Motion to grant a negative declaration for purposes of SEQRA was made by John Porto with a second from Steven Melnyk. All members were in favor. Motion carried.

Chairman Graziano reviewed the criteria for an area variance reminding the Board that not all five of the points need to be met.

Chairman Graziano opened the meeting to the public hearing at 7:37 p.m. No comments. Chairman Graziano closed the public hearing at 7:38 p.m.

Motion to approve the Area Variance for side yard setbacks of 5 feet was made by Chris Post with a second from Steven Melnyk. All members were in favor. Motion carried. Mr. Ezinga paid \$2.00 for mailing fees.

NEW APPLICATIONS:

Finck Realty Partnership/Station-Glo Area Variance: Tax Map #(SBL)101 . – 1 – 67 . 111 Located at 811 Rte. 66. Area Variance to install three new “wave” advertisement signs to the fuel pumps that are above the allowed height for signs of 10’

Mr. Eric Battis was present for the application representing Station-Glo the company that will install the signage for the Mobile station. Chairman Graziano informed Mr. Battis that the Board requires a notarized letter

from Mr. Finck the owner of the business and Station-Glo granting him the authority to represent them for the application. Chairman Graziano informed the applicant that he was very confused by the language of the application for apertures to advertise for a new Exxon Mobile product. Mr. Battis informed the Board that Exxon Mobile is advertising a new fuel Synergy which is a nationwide initiative. Mr. Battis continued that these new signs with the apertures are what the company is looking to use to draw the eye toward the new synergy fuel and bring customers to the station. Mr. Battis stated that these apertures will not contain lighting. Steven Melnyk stated that he understands that Mr. Battis is not to blame for filling out the application but he is also confused by the lack of details and information. Mr. Melnyk asked if the application is asking for a variance to install the signs higher than allowed by the TOC Zoning codes or is the application an area variance for the size of the proposed new signage. Mr. Battis stated that the application is only to install the signs above the pumps with the red "wave" apertures which make the signs 13 feet high and he understood that 10 feet is the limit. Mr. Melnyk stated that the application is very confusing and without a drawing with dimensions the application should be as detailed as possible and the Board members should not have to look around through the application to try to figure out what the area variance is actually asking for. Chairman Graziano stated that the photos show that there is signage on the canopy, pumps and the overhangs so he cannot understand what the application is asking for. Mr. Battis informed the Board that he is only asking for the "wave" apertures that are 13 feet in height. Mr. Battis then submitted a new photo of what the apertures they plan to install will look like but they are different from the photos supplied for the application. Steven Melnyk asked if Exxon Mobile is requiring the stations to make this change with the new signs. Mr. Battis stated yes this is a nationwide change. Chris Post asked if these apertures will be at each pump so the area variance is for three all three pumps and not just one sign. Mr. Battis answered yes that this new "wave" aperture will be installed at all three fuel pumps. Rob Fitzsimmons stated that this application is not an area variance for more signage only for the height of the new signs. Rob Fitzsimmons continued that this applicant has filed two applications with the Town of Claverack Planning Board to install these new signs and was only granted a "blade" type of sign that is attached to the existing poles directly next to each pump with two-sided signage on each of the three fuel pumps. Mr. Fitzsimmons continued that the TOC Planning Board was against the "wave" apertures because the size would be over the allowed size for signage and would allow for even more signage to be placed on the large "wave" arm. Rob Fitzsimmons also informed the Board that the "blade" type sign the TOC Planning Board approved would be within the allowed height of the Zoning code. Chairman Graziano reviewed the new photos that Mr. Battis supplied and stated that they show additional signage along the arm of the aperture. Chairman Graziano asked if these apertures would also need the additional signage as shown in the photo. Mr. Battis stated that the apertures do have additional signage that explains what Synergy is as the customer fuels their vehicle and some other informational signs. Chairman Graziano asked if the application is seeking to install signs above the allowed 10-foot height or is the application asking to install the "wave" apertures with additional signage at all three pumps. Mr. Battis stated that the application is to install the "wave" apertures as shown in the newly submitted photo at 13 feet because that is the height that the signs are manufactured at and they cannot fabricate them differently to meet different heights. Steven Melnyk stated that if these "waves" have advertising along with the "blade" advertising that is also part of the sign on all three pumps the total would be more than the allowed total for signage. Rob Fitzsimmons informed the Board that Jay Trapp set the application up for an area variance for the height of 13 feet not for the additional signage, Rob Fitzsimmons continued that the TOC Building Official would have calculated the amount of signage if the application was for an area variance for the increased amount of signage. George Schmitt informed the Board that his calculations indicate that the signs with all of the advertising would add up to 37.5 square feet which doesn't include the "blade" portion of the sign which has the Synergy logo on both sides. Chairman Graziano asked Rob Fitzsimmons is the ZBA looking at a variance for height or size or are they looking too far into the application. Rob Fitzsimmons stated that the TOC CEO Jay Trapp set the application up only for an area variance for the height of the sign not for the additional signage. Rob Fitzsimmons continued that the TOC Planning Board had issue with the "wave"

apertures and the additional signage and approved the “blade” portion of the sign only and it is up to Jay Trapp to determine the amount of existing signage, new signage, what signs are permanent or temporary, etc. Steven Melnyk asked what would happen if the ZBA stayed silent on the amount of signage. Rob Fitzsimmons stated that if the TOC CEO Jay Trapp looks into the signage at the site and adds everything up it might be a problem. Rob Fitzsimmons informed the Board that he will contact Jay Trapp to discuss the separate issues. Chairman Graziano asked if the Board could deem the application complete and they are working with a gas station that is within a wellhead protection zone and signage isn’t the biggest worry for SEQRA. George Schmitt stated that the SEQRA review would be the same as it was for the Planning Board application. Chris Post stated that SEQRA #6 should be no because the site is not consistent with the nature of the area. John Porto stated that he personally liked the “blade” type of sign that the Planning Board approved instead of the large “wave” apertures.

Motion to accept the application as complete with reservations and set public hearing for December 26, 2018 was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried.

Rob Fitzsimmons suggested to Mr. Battis to have someone compile the aggregate amount of signage on the site. Steven Melnyk stated that if the “blade” sign was approved then the “wave” sign is insignificant because the “blade” would be within the allowed height for a sign and was approved and as he sees it this application is asking for additional signage.

Set for public hearing for 12/26/18 and Mr. Battis was instructed to obtain a hearing notice sign from the Town Clerk which is required to be displayed two weeks prior to the meeting.

Motion to adjourn the meeting was made by Steven Melnyk with a second from John Porto. All members were in favor. Motion carried. Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Jodi Keyser, secretary

Adjourn meeting