

TOWN OF CHESTER ~ ZONING BOARD OF APPEALS

MINUTES OF MEETING ~ JANUARY 25, 2011

ATTENDANCE: John MacMillen, Arnold Jensen, John Grady, Mary Jane Dower, Ken Marcheselli, and Secretary, Pat Smith. Also in attendance was Zoning Administrator, Walt Tennyson. Absent was Bill Oliver.

MINUTES: On a motion by Mr. Grady, seconded by Mr. Jensen, the Minutes of the December 28, 2010 meeting were accepted, as presented. Motion carried 5/0.

CORRESPONDENCE: ZBA Minutes of December 28th, 2010, and Zoning Office Activity Report for December 2010.

Having been duly advertised, Chairman Marcheselli opened the public hearing at 6:00 p.m.

#397-V ~ D & C North Country Enterprises, LLC requesting relief from certain sections of the sign ordinance.

Applicants and members of D & C No. Country Enterprises, Clarke & Barbara Dunham, were in attendance to discuss their project. They began with a slide presentation of their proposal to use the former Big "A" Auto Parts Store in Pottersville for a Model Train Attraction and Museum with a Souvenir Shop. Property is located at 7903 State Route 9, on tax parcel #52.8-1-33, and zoned Hamlet. At the current time, there is a large sign existing on the roof of the building, measuring 144 square feet. Applicant wishes to remove the sign, leaving the framework, alter the design of the roof more in resemblance of a Train Station, and install an 80 square foot sign on the façade. The sign will be constructed of commercial extruded plastic letters bolted to two inch square stock steel and a one inch open steel mesh welded frame. The frame is to be supported by six two inch square stock steel angle braces attached to the roof façade. Lighting will be from clear halogen floodlights mounted underneath the letters. In addition, there is an existing road side sign measuring 39 square feet, setback 6 feet from the road, and measuring 10'7" in height, and situated on a concrete base. Applicant wishes to use the same location, replacing the square sign by a round sign 7 feet in diameter, at the same setback, for a total of 38.5 square feet.

Applicant has received approval from the Planning Board for using the location of the space, as proposed, following Site Plan Review. Applicant has also provided the board with five pages of signatures from proponents of the project.

Following extended discussion, the board ascertained that 3 variances were needed. The first one would be for the roof sign, under Section 7.04.F.4, the second and third would actually cover both signs, under Section 7.04.C.2.b, for signs exceeding 24 square feet each.

Review and findings are as follows:

1. Whether benefit can be achieved by other means feasible to applicant. Applicant stated that the signs need to be recognizable, and they need to look like an attraction. Realistically, there is no alternative.
2. There will be no undesirable change in the neighborhood character or to nearby properties. Five pages of signatures speaks for the support of the neighbors.
3. The request is substantial, but the actual visual effect will be pleasing and attractive, and clearly outweighs the difference in size of the signs.
4. There will be no adverse physical or environmental effects as a result of this project.
5. The alleged difficulty could be considered self created, in that, if the project were not undertaken, no difficulty would exist.

With regard to the sign on the roof, under Section 7.04.F.4, on a motion by Mr. Jensen, seconded by Mr. MacMillen, relief was granted in order to install the sign. Motion carried 5/0.

With regard to the total overall square footage for both signs, with 48 total square feet being allowed under Section 7.04.C.2.b, and having a proposed total of 118.5 square feet, motion was made by Mr. MacMillen, seconded by Mrs. Dower, to grant a 70.5 square foot variance for total overall area. Motion carried 5/0.

Individually, it is broken down as follows:

- A. For the roof sign, with an allowed square footage of 24, and 80 square feet being proposed, on a motion by Mrs. Dower, seconded by Mr. Jensen, relief was granted for a 56 square foot variance. Motion carried 5/0.
- B. For the road sign, with an allowed 24 square feet, and 38.5 being proposed, on a motion by Mr. Jensen, seconded by Mrs. Dower, relief was granted for a 14.5 variance. Motion carried 5/0.

No further discussion.

BOARD PRIVILEGE: Chairman Marcheselli read a letter from the Law Office of Livingston T. Coulter, Esq., to which he will respond.

ADJOURNMENT: On a motion by Mr. Grady, seconded by Mr. MacMillen, the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary