



**MINUTES OF SPECIAL MEETING
ZONING BOARD OF APPEALS
TOWN OF CHESTER
AUGUST 06, 2015**

The meeting was called to order by Chairman Grady at 7:00 p.m.

ATTENDANCE:

Chairperson John Grady, Mary Jane Dower, Arnold Jensen, John MacMillen, Bill Oliver, Walter J. Tennyson (Zoning Administrator), and Jeremy J. Little (Secretary).

PUBLIC HEARING:

Chairman Grady re-opened and continued the public hearing for Application **#420-V** at 7:03 p.m.

#420-V – The North Warren Chamber of Commerce is requesting a 5.79 square ft. variance and 3.56 square ft. variance, according to Section 7.04(E)(6) of the Town of Chester Zoning Local Law, in order to construct an illuminated sign to display community events. Property is located at 3-23 Dynamite Hill Road owned by the Town of Chester, identified by Tax Map Parcel #: 87.-1-5, in Zone Classification Moderate Intensity.

Fred Holman from the North Warren Chamber of Commerce presented the proposal. Mr. Holman mentioned the need for a “community bulletin board” for the Town of Chester and Town of Horicon. After a number of potential designs and locations, Mr. Holman stated that the Tri-Lakes Business Alliance (TLBA) and Chamber decided to locate the sign at the proposed location with the proposed sign design. He mentioned that there is already an existing free-standing sign on the site for the Chamber. No commercial advertising would be displayed on the proposed sign—it would be utilized only for the display of community events and non-profit activities.

Mr. Jensen questioned how certain it was that the sign would be visible to those driving by the site. Mr. Holman mentioned that the color of the letters would not be in the color red, but instead in the color blue for easier reading. The size of the letters would be dependent upon the actual message (a shorter message would contain larger text, a longer message would contain smaller text). Mr. Holman stated that the lettering would change instantly between events. He also explained the dimensions included the sign with the pole.

Mr. Grady questioned the Zoning Administrator regarding the existing sign on the Chamber’s building and the existing free-standing sign near the entrance. The application **#420-V** considered the proposed sign as a second sign on the property for the Chamber. Mr. Grady asked Mr. Tennyson if there was any concern that the proposed sign would be the third sign on the property for the Chamber. Mr. Tennyson had no concern.

The dimensions for the sign were discussed. In the audience, Bruce Robbins was concerned that if the variances were to be granted, he believed it would set precedence for future signs of the same type, especially those with moving lights. Mr. Holman stated the sign would not contain moving lights.

Mr. Jensen mentioned that since the proposed sign is identified as a “bulletin board” instead of a sign denoting a building/business, it makes for a different situation. Mr. MacMillen agreed that this sign has a different purpose as it would show community/non-profit events, as aforementioned. Mr. Holman stated that the location of the sign is the most ideal as this type of sign cannot be built within 15 ft. of a power pole. Mr. MacMillen believed that the location of the sign is ideal.

In the audience, Al Muench stated the sign would be a “critical element” to the TLBA and Chamber in fulfilling their missions. He believed that the proposed sign is the “least obtrusive proposed sign that follows the Zoning Law in terms of not having moving lights...” Cindy Mead, Secretary of the TLBA, referred to the sign at the Town of Chester Municipal Center. That particular sign requires manual insertion of individual letters to display upcoming events, as opposed to the proposed sign where text is shown in digital format. She explained though the Town sign is a great idea, the proposed sign would be easier to use to display such events.

Another concerned resident, Mark Walp, believed that advertising for such events could be done via social networking sites or on the Internet. He was also concerned about the aesthetics of the Town.

Mrs. Dower made a motion to close the public hearing at 7:29 p.m. concerning **Variance Application #420-V**; motion seconded by Mr. Jensen. Motion carried 5-0.

Mr. Grady mentioned if the proposed sign will not create a traffic concern (i.e. vehicles slowing down to read the sign), a sign like the one proposed is a reasonable approach to disseminating such information. Mr. Grady was concerned that granting of variances for similar signs will set a precedent and “each one that happens, makes the next one more likely”. He also stated having a smaller illuminated sign that measured 15 sq. ft. (which is allowed in Section 7.04 of the Sign Ordinance), the lettering would not be easily read; therefore, he believed having a sign adequately sized is ideal.

Following discussion, criteria for an Area Variance were reviewed and the findings were as follows:

- 1.) The Board agreed that the benefit cannot be achieved by other means feasible to the applicant;
- 2.) The Board agreed that there would not be an undesirable change in neighborhood character or to nearby properties;
- 3.) The Board agreed that the request is not substantial;

- 4.) The Board agreed that the request will not have any adverse physical or environmental effects;
- 5.) The Board agreed that the alleged difficulty is not self-created.

There was a short discussion regarding the landscaping around the sign. Mr. Holman briefly mentioned that existing shrubs and trees might help make the sign and pole blend in more with its surroundings.

Mr. Jensen made a motion to approve Variance Application **#420-V**, requesting a 5.79 square ft. variance and 3.56 square ft. variance; seconded by Mr. MacMillen. Motion carried 5-0.

Having been duly advertised, the public hearing for Application **#421-V** was opened by Chairman Grady at 7:52 p.m.

#421-V – DHC of Horicon, LLC is requesting multiple sign area variances, according to Section 7.04: Signs of the Town of Chester Zoning Local Law, in order to construct and erect two (2) business signs for a Dollar General retail store. Property is located at State Route 8, identified by Tax Map Parcel #: 87.20-1-11, in Zone Classification Hamlet.

Zach Monroe from Winchip Engineering represented the applicant and presented the proposal.

The proposal involves ten (10) variances for two signs: one sign on the building with interiorly illuminated individual letters and the other, an interiorly illuminated pole-mounted sign. Mr. Monroe stated that based on the current sign regulations of Section 7.04 of the Local Law, ten variance requests for the two signs are required. He further stated that in the sign regulations, there are different requirements throughout the ordinance regarding signage. In addition, Mr. Monroe stated that the owner of the building is DHC of Horicon, LLC and the space would be leased to Dollar General.

There was discussion regarding the design of the sign on the building and how it was measured. Chairman Grady mentioned that if the building sign were measured in boxed, squared-off format it measures to be approximately 50 sf. Chairman Grady also stated if the physical size of the letters were only measured, not using the boxed format, the size of the sign would decrease to approximately 28 sf. Mr. Monroe read to the Board Section 7.04(M) regarding measurement of sign area. Mr. Monroe said the proposed pole-mounted sign was selected as the smallest size sign for the Site.

In the audience, Bruce Robbins believed that Dollar General should comply with the sign regulations of the Town. Linda Muench distributed pictures of the Dollar General recently constructed at Exit 18 in Queensbury. The pictures displayed signs on the property and building. Mrs. Muench agreed with Mr. Robbins' opinion on making Dollar General compromise and comply with the Town regulations.

Mrs. Dower questioned how far the building is from State Route 8 and Mr. Monroe said that it is approximately 140 ft. Further, the pole-mounted sign would be 15 ft. from the property

line. Mr. MacMillen did not believe that the size of the proposed signs would be out of character given the size of surrounding signs at Stewarts, the North Warren Central School, Gallo Realty, etc.

Chairman Grady asked if there would be any concern if there was a condition included with the approval to keep the sign turned on during business hours only. Mr. House was in agreement to the condition. Chairman Grady also mentioned that the Board has received the recommendation from the Warren County Planning Department without any significant impacts on County properties or resources.

In the audience, Bernie Bolton commented that he believed signage is beneficial to a business and change in a community should not always be viewed in a negative light. Cindy Mead, owner of Gallo Realty and neighboring property owner, was in favor of the Dollar General retail store and the signs that require variances. John Sullivan was concerned for the future of Chestertown and believed that the Town Master Plan and Zoning Local Law, along with the Sign Ordinance, should be amended to reflect the current times.

Mr. MacMillen made a motion to close the public hearing at 8:56 p.m. concerning **Variance Application #421-V**; motion seconded by Mr. Oliver. Motion carried 5-0.

Following discussion, criteria for an Area Variance were reviewed and the findings were as follows:

- 1.) The Board agreed that the benefit cannot be achieved by other means feasible to the applicant;
- 2.) The Board agreed that there would not be an undesirable change in neighborhood character or to nearby properties. The Board agreed that the proposed site for the signs is surrounded by commercial buildings and businesses;
- 3.) The Board agreed that the requests are substantial and that the requests vary tremendously;
- 4.) The Board agreed that the requests will not have any adverse physical or environmental effects;
- 5.) The Board agreed that the alleged difficulty is self-created.

Mr. MacMillen made a motion to approve **Variance Application #421-V** for ten (10) sign variances listed on the "Variances Requested" sheet by Winchip Engineering (*see attached*) with the condition that when the store is closed, that the lights be turned off; motion seconded by Mr. Oliver. Motion carried 5-0.

NEW BUSINESS: None.

MINUTES:

Chairman Grady recommended that the word “repeatedly” be added to the following sentence in the July 28, 2015 Meeting Minutes, Page 2, Paragraph 2:

He stated that he feels the purpose of the ZBA is to deal with unique and unusual circumstances and not to allow/approve the same types of variances.

The paragraph, as amended, shall read as the following:

He stated that he feels the purpose of the ZBA is to deal with unique and unusual circumstances and not to repeatedly allow/approve the same types of variances.

On a motion made by Mr. Jensen, seconded by Mrs. Dower, the Minutes of the Zoning Board of Appeals meeting held on July 28, 2015 were accepted, as amended. None opposed; motion carried 5-0.

CORRESPONDENCE:

Zoning Administrator & Sanitary Code Enforcement Officer’s Activity Report for July 2015.

BOARD PRIVILEGE:

Chairman Grady believed that it would be useful to know when the Adirondack Park Agency responds to variances. Mr. MacMillen did not believe it was necessary to make sure variances are being referred to the APA as the Zoning Office takes care of that process. Chairman Grady stated the following concern: “If a variance is overridden by them (APA) that we passed, then we can re-address it as a Board and it requires a unanimous vote to override them.” There was discussion among the Board members whether the ZBA can override the APA’s decision if a variance comes back denied by the Agency.

OLD BUSINESS: None.

ADJOURNMENT:

Mrs. Dower made a motion to adjourn the meeting at 9:20 p.m.; seconded by Mr. MacMillen. None opposed. Motion carried 5-0.

Respectfully submitted,

Jeremy J. Little
Secretary
Zoning Board of Appeals

July 22, 2015

Job No.: 15-010
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Dollar General

Variances Requested

Both Signs

- **7.04.C.2.(b)** Variance from maximum area of two signs – 48 sf allowed – 110.38 sf proposed (62.38 sf or 130% variance)
- **7.04.E.6.** Variance from maximum area of two signs – 60 sf allowed – 110.38 sf proposed (50.38 sf or 84% variance)

Building Mounted Sign

- **7.04.C.2.(b)** Variance from maximum area of one sign – 24 sf allowed - 49.8 sf proposed (25.8 sf or 107.5% variance)
- **7.04.E.1.** Variance from no interiorly illuminated signs shall being allowed.
- **7.04.E.6.** Variance from no sign area greater than 40 sf – 49.8 sf proposed (9.8 sf or 24.5% variance)
- **7.04.E.6.** Variance from no luminous sign with an area greater than 15 sf – 49.8 sf proposed (34.8 sf or 232% variance)

Pole Mounted Sign

- **7.04.C.2.(b)** Variance from maximum area of one sign – 24 sf allowed – 60.58 sf proposed (36.58 sf or 152.4% variance)
- **7.04.E.1.** Variance from no interiorly illuminated signs shall being allowed.
- **7.04.E.6.** Variance from no sign area greater than 40 sf – 60.58 sf proposed (20.58 sf or 51.5% variance)
- **7.04.E.6.** Variance from no luminous sign with an area greater than 15 sf – 60.58 sf proposed (45.58 sf or 303.9% variance)