

DEERPARK ZONING BOARD OF APPEALS - NOVEMBER 15, 2012 - PG.#
PUBLIC HEARING - ROCK CITY MEDIA

The Deerpark Zoning Board of Appeals met for a public hearing on Thursday, November 15, 2012 at 7:30 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

ZONING BOARD OF APPEALS MEMBERS

Gerald Cedrone -Chairman Jim Harrington Marylou Maher Jane Lord

OTHERS

Mr. William A. Onofry, Town Attorney Mr. Doug Barthel, Representative for Rock City Media
 Mrs. Mervi Stack, Applicant

The secretary read the public hearing notice: "Notice is hereby given of a Public Hearing to be held by the Zoning Board of Appeals of the Town of Deerpark, Orange County, New York, pursuant to Article 9 of the Town of Deerpark Zoning Law on the application of Rock City Media to erect pole signs. The application effects the following premises: Record Owner: Mervi Stack; Tax Map Designation: Section 57, Block 3, Lots 3.1 & 4.2; Zone Designation: IB. Located at 83-85 South Maple Ave., Town of Deerpark, Orange County, New York. Information on this application is on file with the Town Clerk, Town Hall, Route 209, Huguenot, New York. The Hearing shall take place at 7:30 o'clock P.M. on the 15th day of November, 2012 at Deerpark Town Hall, located on Route 209, Town of Deerpark, Orange County, New York, or as soon thereafter as practicable. All parties wishing to be heard shall be heard at that time."

Gerald Cedrone: Okay, do you have the certified?

Doug Barthel: Yes.

Mr. Barthel presented the certified mailings to the secretary.

Doug Barthel: My name is Doug Barthel, and I'm representing the owner on this application. What she wants to do is to erect poles, which are five bases... it's the front and the back to a single pole, so it would need a height variance. The property lends itself perfectly to signage, and it could be used by the Town of Deerpark, if there's ever town emergencies, it would present the information on the screen. Typically we lease the property, and the sign would be leased. It would be located near this building here.

Jane Lord: Now the building you're talking about, has a for sale sign on it.

Doug Barthel: Um... the landowner is here.

Mervi Stack: Yes, I haven't received any bids on it.

Jane Lord: I was curious about the Highway Beautification Act, which is, we don't want signs.

Doug Barthel: Well, I've heard back from the DOT, and they're fine with this.

Jim Harrington: Well, the Town has a law against having these billboards.

Doug Barthel: Yes, that's why I'm seeking the variances.

Jane Lord: A variance is about changing the Law. Now, you're asking us to change the Law. The law is there, and then you ask us to do a tweak.

Gerald Cedrone: Okay, there are a number of things that you have to prove to us, and do you want to start with the use variance?

Doug Barthel: Sure.

Gerald Cedrone: This application cannot realize a reasonable return, substantial as shown by competent financial evidence. The alleged hardship is unique and does not apply to substantial portion of district or neighborhood. The

requested variance will not alter the essential character of the neighborhood.. And the alleged hardship has not been self-created. You have to answer those questions.

Doug Barthel: I think signage helps local businesses, as I've put up signs in the Town of Woodstock. I believe in them, and I think they help local businesses.

Gerald Cedrone: Did you get a copy of the points you have to prove?

Doug Barthel: I guess I didn't.

Jane Lord: This is the use variance rules, and these are the area variance.

Jim Harrington: This property is all in New York.

Doug Barthel: Yes, there's an adjacent lot that is in New Jersey

Mervi Stack: Yes, but the billboard will be in New York.

Jane Lord: But when you're close to a border, you sometimes have to get an agreement from both sides.

Mervi Stack: Yes, we did send a notice to them.... right? Yes, but there's no one here, so I guess it's okay with them.

Doug Barthel: Okay, and I have installed poles in other states, in Pennsylvania, for instance.

Jane Lord: We can't count Pennsylvania, they have a whole different set of laws. Okay, this is the list that you have to answer, one side is for use and the other side is for area variance. Okay, this is for area variance...

Doug Barthel: That's for height and square footage...

Jane Lord: Right, that's for that kind of stuff, and whether the benefit can be achieved by any other means available, what you want to do, if there'll be an undesirable change in the neighborhood character or nearby properties, whether the request is substantial. Substantial means, if you ask us for three feet, that's probably not substantial. But if you ask us for three hundred, that is substantial. Now when you're talking about the billboards, is it moving, is there going to be a bright light...

Doug Barthel: Concerning the sign, there's no movement on this digital. They are not harsh like they used to be. They look like a billboard, they look like a painted sign

Jane Lord: That's the kind of things we're looking for. If I say yes, I want to be secure, that the town is protected.

Doug Barthel: Since I did not know about these rules, can we continue this at the next meeting, when I'll be able to get more information and be better prepared.

Jim Harrington: Can I make a motion to continue this hearing at our next meeting?

Jane Lord: And I would suggest any additional information, you bring it in before the next meeting.

Doug Barthel: I can get it in within the next two weeks.

Jim Harrington: I make a motion to continue this public hearing at our December 20th meeting.

Jane Lord: I second.

Gerald Cedrone: Okay, all in favor?

Marylou Maher: Aye.

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Jim Harrington: Aye.

Jane Lord: Aye.

Gerald Cedrone: Aye.

Motion carried.

Public hearing to re-convene on Thursday, December 20, 2012 at 7:30 p.m. at Deerpark Town Hall.

Respectfully submitted,

Barbara Brollier, secretary