

The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, SEPTEMBER 19, 2019 at 7:30 pm at the Deerpark Town Hall, 420 US Route 209, Huguenot, NY. The following were present:

BOARD MEMBERS PRESENT:

Lee Cornell -Chairman
Robert Zeller
Cheryl Greene

Michael Witt
Jane Lord



APPROVED

OTHERS PRESENT:

Glen Plotsky, Town Attorney

Meeting brought to order at 7:33 pm.

Pledge of Allegiance

APPROVAL OF JULY 18, 2019 MINUTES–

Motion to APPROVE minutes.

Motion made by Jane Lord, 2ND by Cheryl Greene to approve minutes for July 18, 2019.

Vote 5 Ayes: Cheryl Greene, Robert Zeller, Lee Cornell, Michael Witt, Jane Lord.

MOTION CARRIED

FWB – 14 CANAL ROAD – HORSE FARM –

No one present.

Town Attorney stated that he believes this is an interpretation the applicant has 10 acres for a horse farm, but 1 acre she wants a house so that leaves the remaining 9 acres. He added that we can recall after the next application or we can adjourn and have Secretary call applicant. Chairman stated he felt that the Secretary should reach out and have her come to the next meeting. Bob Zeller asked about the application being incomplete, Town Attorney stated that we try to be user friendly and help the applicant out.

Motion made by Robert Zeller, 2nd by Jane Lord to have the Secretary send out a letter to applicant and complete the application.

Vote 5 Ayes: Cheryl Greene, Robert Zeller, Lee Cornell, Michael Witt, Jane Lord.

MOTION CARRIED

TRI-STATE TRANSMISSION – 6 ROUTE 42 & 97 – DIGITAL SIGN VARIANCE –

John Fuller-Representative for Applicant

Mr. Fuller explained that this had gone to the Planning Board for an amended site plan for an addition to the repair garage. He continued there is an existing sign that currently constructed does not meeting Zoning. He further stated that during the review process for the Planning Board and after submitting a permit to the Building Department it was determined that a variance would be needed, he stated that flashing, oscillating and neon signs are prohibited in the HMU Zone. He added that a condition of the site plan approval through the Planning Board the Applicant had to cover up the existing sign and go to the ZBA and get a variance. Mr. Fuller stated it was his opinion that it is not an oscillating sign, it does not move, it does not fall in neon it is digital; flashing possibly it is electronic with fixed lettering the scrolls in digital format. He continued that the definition of digital is not defined in the sign ordinance. Town Attorney stated that the schedule of sign regulations for each district prohibits signs, flashing, oscillating and neon and added that the Planning Board felt it might fall into one of those categories. He continued the size of the sign is not the problem, the location could be a problem and the lights are an issue.

Zoning Board of Appeals Meeting Minutes September 19, 2019 continued:

TRI-STATE TRANSMISSION – 6 ROUTE 42 & 97 – DIGITAL SIGN VARIANCE – continued –

Cheryl Greene acknowledged regarding oscillating discussion the sign does not move but the letter do, Town Attorney stated that electronic signs are allowed but have to be fixed, not flashing. He suggested the Board interpret what type of sign it is and if it approved the Applicant can go back to the Planning Board if it's prohibited then it needs a variance. Bob Zeller asked when the sign was put up, John Fuller replied 6 months, Cheryl Greened answered maybe a year ago. Mike Witt asked if any traffic accidents have happened and maybe the problem is only at night. Town Attorney replied that it can be found out and that is up to the Applicant, he suggested the Board categorize what type of sign it is and how its allowed. He further stated that if they do a variance, they can make conditions, Planning Board cannot authorize anything not in the Zoning. Bob Zeller asked if the Board can send it back to the Planning Board and say its ok but it just has to be fixed, Town Attorney answered that they can do it but need to have the Public Hearing first. John Fuller stated that it has historically always been sign just updated it, Bob Zeller asked if they have lost or gained business because of the sign, John Fuller answered not sure but it is used as advertising.

Motion to schedule a Public Hearing.

Motion made by Jane Lord, 2ND by Bob Zeller to schedule a Public Hearing for Tri-State Transmission for October 17, 2019 at 7:30 PM.

Vote 5 Ayes: Cheryl Greene, Robert Zeller, Lee Cornell, Michael Witt, Jane Lord.

MOTION CARRIED

Chairman Cornell stated that the next meeting will be October 17, 2019.

OTHER BUSINESS:

Bob Zeller explained that he is not sure he will be at the meeting; he will be going in for surgery around then. Town Attorney acknowledged the New York State Association of Towns conference is on President's weekend, there a lot of classes pertaining to Zoning, the Town pays for the classes and hotel, if one wanted to go, they needed to get ahold of Flo Santini; Town Clerk.

Motion to Adjourn Meeting.

Motion made by Michael Witt, 2ND by Cheryl Greene, to Adjourn September 19, 2019 Regular Meeting at 8:33 p.m.

Vote 5 Ayes: Cheryl Greene, Robert Zeller, Lee Cornell, Michael Witt, Jane Lord.

MOTION CARRIED

Respectfully Submitted By,



Amanda Gorr, Zoning Board of Appeals Secretary