

MINUTES

**Town of Wappinger
Zoning Board of Appeals
January 13, 2009**

**Town Hall
20 Middlebush Road
Wappinger Falls, NY**

Summarized Minutes

<u>Members:</u>	Mr. Prager,	Chairman
	Mr. McVeigh,	Member
	Mr. DellaCorte,	Vice-Chairman
	Ms. McEvoy-Riley,	Member
	Mr. Casella,	Member
<u>Others Present:</u>	Mr. Horan,	Attorney
	Mrs. Lukianoff,	Zoning Administrator
	Mrs. Roberti,	Secretary

SUMMARY

Adjourned Public Hearing:

JP Morgan Chase Bank

-Granted four variances, one with conditions

Appeal No. 08-7386

JP Morgan Chase- Seeking area variances of Section 240-29(F)(1), 240-29(F)(2)(a) and 240-29(F)(6) of District Regulations in an HB Zoning District.

-Where a corner **commercial lot is permitted (2) two wall signs**, the **applicant requests (3) three wall signs, thus requesting a variance for (1) one additional wall sign.**

-Where a **commercial lot is permitted (1) one free standing sign not closer than 25 feet to any property line**, the **applicant is proposing (5) five feet to the property line** bordering Route 9, thus **requesting a 20 feet variance for the free standing sign.**

-Where **no free standing sign shall be taller than (10) ten feet**, the **applicant is proposing a free standing sign of (12) twelve feet in height**, thus **requesting a variance of (2) two feet in height for the proposed free standing sign.**

-Where one **commercial sign is permitted to be illuminated during business hours**, the applicant is **requesting that (3) three wall signs and (1) one free standing sign be illuminated**, thus **requesting a variance for (3) three additional illuminated signs.**

The property is located at **1460 Route 9** and is identified as **Tax Grid No. 6157-02-650897** in the Town of Wappinger.

Present: Carl Paperella - Attorney
Ron Patterson - Sign Company

Mr. Casella: Motion to open the adjourned public hearing.

Mr. McVeigh: Second the motion

Vote: All present voted aye.

Mr. Paperella: We presented our case in December to this board at the public hearing. The secretary had advised this board then that you were waiting for an answer from DC Planning which I believe has now come in. (Gave presentation to the board.)

Mr. Horan: For the record DC Planning has responded.

Mr. Prager: Tonight we are going to break this down into the four individual variances and vote on each one. DC Planning recommended that we deny the variance for four illuminated signs. (Read the letter for the board.)

Ms. McEvoy-Riley: I can understand the south side but I don't necessarily understand the west and north.

Mr. Paperella: I would say from the studies we have done that if there is one sign to not illuminate it would be the south side sign.

Mr. Prager: What are the hours of illumination for the bank?

Mr. Patterson: 8:30 am to 5:00 pm, Monday through Thursday and 8:30 am to 7:00 pm on Friday.

Mr. McVeigh: I have not seen any banks with three signs illuminated and that includes corners. I don't feel the third sign is necessary.

Mr. Paperella: I believe we concur with that elevation and the one on the south side might be over-reaching.

Mr. DellaCorte: If only one sign were to be illuminated, which one would you want it to be?

Mr. Paperella: The one on the Route 9 side which is the west side.

Mr. McVeigh: If we allow the two on the building to be illuminated than why is the pylon critical?

Mr. Paperella: The site has a slight depression and it gives visibility to the motorists going north and we feel it is critical.

Mr. Horan: What's the measurement from the pavement edge to the sign? It's probably at least 25 feet. For the record on the height, if the sign height is 12 feet instead of 10 feet, what will the height be at grade.

Mr. Paperella: About 3 feet.

Mr. Horan: So it's about 10 feet to grade which is normal.

Mr. Prager: Is there anyone in the audience with a comment or question? Hearing none.

Mr. Casella: Motion to close the public hearing.

Mr. DellaCorte: Second the motion

Vote: All present voted aye.

Mr. Prager: We will now vote on variance number one which is the three wall signs instead of two.

Mr. DellaCorte: I make a motion to grant variance number one. I don't believe this will be detrimental to the neighborhood, it won't cause any additional change to the neighborhood and I think it should be granted.

Mr. Casella:

ZBA Roll Call:	Mr. McVeigh:	No.
	Ms. McEvoy-Riley:	Aye.
	Mr. Casella:	Aye.
	Mr. DellaCorte:	Aye.
	Mr. Prager:	No.

Mr. Prager: Motioned carried. Now variance number two for the pylon sign 5 feet from the property line.

Ms. McEvoy-Riley: I motion to grant the pylon sign 5 feet from the property line based that it is not just from the property line but also with a large ROW so it really is not that close. It will not produce an undesirable change in the neighborhood and there really is no other feasible method to achieve this. While the variance may appear to be substantial there is an additional 25 feet there. It is self-created but not detrimental to the area.

Mr. Casella: Second the motion
ZBA Roll Call: Mr. McVeigh: Aye.
Ms. McEvoy-Riley: Aye.
Mr. Casella: Aye.
Mr. DellaCorte: Aye.
Mr. Prager: Aye.

Mr. Prager: Motion carried. Variance number three is for a pylon sign with a height of 12 feet rather than the allowed 10 feet.

Mr. Casella: I would like to motion to grant the variance because it is only 2 feet and there is no adverse or environmental impact. It is not substantial although it is self-created.

Ms. McEvoy-Riley: Second the motion
ZBA Roll Call: Mr. McVeigh: Aye.
Ms. McEvoy-Riley: Aye.
Mr. Casella: Aye.
Mr. DellaCorte: Aye.
Mr. Prager: Aye.

Mr. Prager: Motion carried. Now the fourth and final variance. The applicant is requesting the three wall signs and pylon sign to be illuminated. This vote will also need a super majority.

Mr. Paperella: I anticipate a problem here and would like to point out that we have an ATM that is 24 hours and need to have at least one sign lit all night for security. After 5:30 pm it will look like a dead building if all the signs were to be off. So if we could have it lit until around 10:30 pm it would be better.

Mr. Horan: That is a good argument. Also the applicant is entitled to one sign during business hours and since the ATM is 24 hours which is their business, they may be entitled to one illuminated sign at all times. So the request is not unreasonable. You are not confined to a lesser number and legally you are obligated to grant the least number of signs that you think is appropriate under the circumstances. Based on this you probably need four votes to carry this, its not clear if the county is objecting to four total signs or more than one sign. So in any event whatever the board determines should have four votes to pass.

Mr. Casella: Do the lights on in the building count?

Mr. Horan: With respect to NYS Banking Laws there is a requirement that there is at least 10 foot-candles of illumination within 20 feet, so there are by law requirements. Since the ATM is open 24 hours they may be entitled to have that sign lit 24 hours anyway.

Mr. Casella: I make a motion to grant one sign as the “as of right” sign to be illuminated which will be the one on Route 9 (west side) and one

additional wall sign (Myers Corners Road/north side) and one pylon sign to be illuminated for a total of three illuminated signs. One sign is allowed by right and this variance grants two illuminated signs in addition to the as of right sign. The following conditions are included in this variance that the north side sign (Myers Corners Road) and the pylon sign are restricted to be lit from the hours of 8:00 am to 7:30 pm only.

Ms. McEvoy-Riley: Second the motion

ZBA Roll Call:	Mr. McVeigh:	Aye.
	Ms. McEvoy-Riley:	Aye.
	Mr. Casella:	Aye.
	Mr. DellaCorte:	Aye.
	Mr. Prager:	Aye.

Mr. Horan: For the record you should record why you didn't follow the DC County recommendations. The pylon lettering is the only illumination and with respect to the Myers north side there are numerous properties in the area with numerous signs and this fits into the character of the neighborhood.

Mr. Casella: I concur with those findings.

Ms. McEvoy-Riley: Motion to adjourn.

Mr. Casella: Second the motion

Vote: All present voted aye.

Meeting ended at 8:20 PM

Respectfully Submitted,

Barbara Roberti, Secretary
Zoning Board of Appeals