

VILLAGE OF RED HOOK
ZONING BOARD OF APPEALS MEETING
OCTOBER 23, 2006

Present: Brent Kovalchik, Chairman; George Beekman, Co-chairman; Cliff Gubler, Member;
Paul Duntz, Member; Victor Behoriam, Member

Absent: None

Chairman Kovalchik calls the meeting to order at 7:30 PM. Mr. Kovalchik then brings forward the minutes from the March 27, 2006 ZBA meeting for consideration and moves that they be approved as written. Member Duntz seconds this motion and all vote in favor.

THE MINUTES OF THE MARCH 27, 2006 ZONING BOARD OF APPEALS MEETING ARE APPROVED AS WRITTEN

Applicant #1

Joseph & Laura Varlaro

7375-7377 South Broadway

Use Variance

Tax Grid #25-6272-10-286526-0000

Chairman Kovalchik reads the Use Variance request which is for relief from Chapter 200, Article IV, Section 200-38-A-(5)-(c)-[2] (permitted signs in a business or industrial district of the Village of Red Hook Zoning Code) to permit a 15 square ft hanging sign, composed of (3) 1' x 5' wood panels to be allowed in addition to the 15 square ft +- existing facade mounted sign. Chairman Kovalchik displays the maps dated, 06/24/03, submitted by Mr. Varlaro depicting the signage requested. Mr. Varlaro states that the signage will have floodlights shining down from the top. Chairman Kovalchik read Section 200-A-5-(c)-[2] of the Code of the Village regarding the sizes and type of signs permitted in a business or industrial district noting that the code is specific that only one type of sign is permitted per business - the Code reads *or not and* - a 12 square ft hanging sign *or* a 24 square ft facade sign *or* a 15 square ft free standing sign. Chairman Kovalchik then reads the Varlaro sign proposal outlining their hardship and financial evidence of same (attached).

Co-Chairman George Beekman then reviews the Short Form EAF point by point and no problems are found. Mr. Beekman moves that this application be assigned a Negative Declaration. Mr. Gubler seconds this motion and all vote in favor.

THE VARLARO USE VARIANCE IS ASSIGNED A NEGATIVE DECLARATION.

Member Behoriam asks if the current pole sign will come down and Mr. Varlaro answers yes. Mr. Kovalchik questions if the additional sign requested is required now that a new facade sign is in place and whether the current trees will grow up and cover the requested hanging sign. Mr. Varlaro states that he trims the trees regularly to keep them below the overhead wires. Mr. Varlaro presents pictures to the Board of other businesses in the Village with more than one sign. Member Behoriam states that his concern is the pole sign must come down and asks what is the question. He is told the Code states *or not and* - so the Variance is for a second sign.

Chairman Kovalchik opens the meeting to public comment. Mr. Kovalchik reads the letter from adjoiner, Gregory Coston, 7369 South Broadway, requesting that if the sign is granted the outdoor storage of boats be addressed (attached). The Dutchess County Planning referral is then read (attached) stating that the granting of two signs would set a precedent for other businesses in the districts (attached). There being no other comments, Chairman Kovalchik closes the period of public comment.

Member Gubler states that he feels that the size of the building justifies additional signage. Member Behoriam states he feels the Planning Board mandated landscaping is a mitigating circumstance. Chairman Kovalchik states that businesses like Village Pizza have facade signs and trees and are still visible.

Chairman Kovalchik then reads the definition of a Use Variance as stated in the Guide to Planning and Zoning Laws of New York State and Section 200-38-A-5-(c)-[2] in the Code of the Village of Red Hook.

Chairman Kovalchik proceeds to review the tests for a Use Variance as required by New York State zoning law, polling each member of the Board for comments:

1) Reasonable Return

Chairman Kovalchik - states the newly erected facade sign negates the need for an additional sign

Co-chairman Beekman - states he feels the business needs more advertising

Member Behoriam - states he thinks the financial hardship documentation is still valid

Member Gubler - states potential customers are passing the shop because it is not clear what services are offered

2) Unique Hardship

Co-chairman Beekman - states Planning Board mandated landscaping obscures the business

and the size of the building should also be considered

Members Behoriam and Duntz state they agree on the issue of the landscaping

3) Essential Character of the Neighborhood

Member Duntz - states it will not effect the character of the neighborhood

Member Behoriam - states many other businesses have multiple signs

Chairman Kovalchik - states he does not want to set a precedent for granting something specifically prohibited in the code or encourage violations

Member Behoriam - states an extra sign won't change the character of the neighborhood

4) Not Self-Created

Co-chairman Beekman - states the lack of visibility was not self-created bu resulted from the mandated landscaping

Member Behoriam - states the problem was not self-created and the mandated landscaping eliminated space for a free-standing sign

Chairman Kovalchik suggest placing the panels of the proposed hanging sign on the existing facade sign which is very visible.

Mr. Varlaro states his site limits the types of signs he can have without a variance.

Chairman Kovalchik notes that the size of the variance (100%) and again reads the Dutchess County Planning Referral comments.

Chairman Kovalchik moves to approve a Use Variance for the property located at 7375-7377 South Broadway, Red Hook, New York 12571, Tax Grid #25-6272-10-286526-0000. The request is for relief from Chapter 200-38-A-5-©)-2 (Permitted signs in a business or industrial district) of the Village of Red Hook Zoning Code. This variance, if granted, will permit a 15 square ft hanging sign, made of (3) 1' x 5' wood panels to be allowed in addition to the 15 square ft existing facade sign with the stipulation that there be no additional lighting. Member Gubler seconds this motion and the Board is polled:

Chairman Kovalchik - Nay

Co-chairman Beekman - Aye

Member Gubler - Aye

Member Behoriam - Aye

Member Duntz - Aye

THE USE VARIANCE FOR 7375-7377 SOUTH BROADWAY FOR A HANGING SIGN IN ADDITION TO AN EXISTING FACADE SIGN IS APPROVED.

There being no new business, Chairman Kovalchik moves to adjourn the October 23, 2006 Zoning Board of Appeals meeting at 9:00 PM. Member Duntz seconds this motion and all vote in favor.

THE OCTOBER 23, 2006 VILLAGE OF RED HOOK ZONING BOARD OF APPEALS MEETING IS ADJOURNED AT 9:00 PM.

Respectfully submitted,

Village of Red Hook
Susan P. Nandor, Secretary
Zoning & Planning