

TOWN OF ERWIN

Zoning Board of Appeals

MINUTES 03/28/17 MEETING

PRESENT: Frank Thiel, Ruth Fisher McCarthy, Bridget Ackerman, Mariana Huber, Jay McKendrick, Ralph Truitt, Wes Strzegowski

ABSENT: _____

GUESTS: Wayne Law, Kristen Klemenzen, John Dobson, Tim Myers, Dayue Jiang, Ji Wang, Blaine Westervelt, Douglas Wicks, Barb Lucas

CALL TO ORDER:

At 7:00 PM, Chairman Thiel called the meeting to order in the meeting room of the Erwin Town Hall, 310 Town Center Road, Painted Post, NY, 14870.

MINUTES:

Minutes of the 12/20/2016 meeting were approved by unanimous consent.

2017-01

REQUEST FROM B&W TOWING FOR AN AREA VARIANCE AT 701 ADDISON ROAD TO ALLOW A SIGN WIDTH OF 6 FT WHERE 4 FT IS ALLOWED. VARIANCE OF §130-81.B.3.d AND TABLE 130-81-1 IS REQUESTED. WITH PUBLIC HEARING

Notification of this action was sent to 8 adjacent property owners. Legal notice of this action printed in the Town's official newspaper, the Star Gazette, and in The Leader, on March 19, 2017.

The sign variance is a Type II action under the State Environmental Quality Review Act. **No SEQR action is required.**

The property is located in B-3 Neighborhood Services Zone.

Table 130-81-1 states that a freestanding sign shall have a maximum height of 8 ft and a maximum width of 4 ft. The applicant seeks to establish a sign that is 6 ft in height, and 6 ft wide.

The applicant seeks relief of 2ft. in width.

The application was presented by Kristen Klemenzen and Blaine Westervelt. The applicants agreed that the sign plus its base would be compliant with the 8-foot code requirement.

CHAIRMAN THIEL OPENS THE PUBLIC HEARING AT 7:08 PM.

No comments from the public.

CHAIRMAN THIEL CLOSES THE PUBLIC HEARING AT 7:09 PM.

THE ZBA CONSIDERS AREA VARIANCE APPLICATION 2017-01 AND ANY PUBLIC COMMENT AND MAKES FINDINGS ON EACH OF THE AREA VARIANCE CRITERIA:

The requested variance will not produce an undesirable change in the character of the neighborhood.
5 Board members say the requested variance will not produce an undesirable change. 0 Board members say the requested variance will produce an undesirable change.
The requested variance will not create a detriment to nearby properties.
5 Board members say the requested variance will not create a detriment. 0 Board members say the requested variance will create a detriment.
There is no other feasible method available for the Applicant to pursue to achieve the benefit the Applicant seeks other than the requested variance.
2 Board members say there is no other feasible method available. 3 Board members say there are other feasible methods available.
The requested area variance is not substantial.
3 Board members say the requested variance is not substantial. 2 Board members say the requested variance is substantial.
The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5 Board members say the requested variance will not have an adverse effect or impact. 0 Board members say the requested variance will have an adverse effect or impact.
The alleged difficulty was not self-created (this consideration shall be relevant but shall not necessarily preclude the grant of the area variance.
0 Board members say the alleged difficulty was not self-created. 5 Board members say the alleged difficulty was self-created.

RESOLUTION TO APPROVE REQUEST FROM B&W TOWING FOR AN AREA VARIANCE AT 701 ADDISION ROAD TO ALLOW A SIGN WIDTH OF 6 FT WHERE 4 FT IS ALLOWED WITH A CONDITION LIMITING LIGHTING FOR THE SIGN TO LANDSCAPE LIGHTING.

**MOTION: JAY McKENDRICK
SECONDED: MARIANA HUBER
DISPOSITION: 5-0**

2017-02

REQUEST FROM COLOMBA P. SANTELL FOR AN AREA VARIANCE TO ALLOW A FRONT YARD SETBACK OF 22.93 FT WHERE 30 FT IS REQUIRED. VARIANCE OF §130-14 AND APPENDIX B DENSITY CONTROL SCHEDULE IS REQUESTED. WITH PUBLIC HEARING

Notification of this action was sent to **31** adjacent property owners. Legal notice of this action printed in the Town's official newspaper, the Star Gazette, and in The Leader, on March 19, 2017.

The application will be the subject of a Planning Board action for a combination of two lots. The Planning Board will declare itself Lead Agency under the State Environmental Quality Review Act.

MOTION TO CONSENT TO THE TOWN OF ERWIN PLANNING BOARD ACTING AS LEAD AGENCY

MOTION: RUTH FISHER McCARTHY
SECONDED: FRANK THIEL
DISPOSITION: 5-0

The applicant was not able to attend the meeting. The applicant's contractor, John Dobson, was in attendance however, he did not have official authority to speak on the applicant's behalf.

MOTION TO TABLE APPLICATION 2017-02

MOTION: FRANK THIEL
SECONDED: JAY McKENDRICK
DISPOSITION: 5-0

THE MEETING ADJOURNED AT 7:27 PM BY UNANIMOUS CONSENT.