VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
May 9, 2012

The regular meeting of the Zoning Board of Appeals of the Village of Goshen was called to order at 7:30 pm on Wednesday, May 9, 2012 in the Village Hall by Chair Wayne Stahlmann.

Present: Garfield Clark
Lynn Cione
Neal Frishberg
Wayne Stahlmann, Chair
John Strobl

Also Present: David Donovan, Esq. ZBA Attorney

ZBA Chair Wayne Stahlmann opened the meeting with the Pledge of Allegiance.

Application of G & D Restaurant Corp. 118 Clowes Avenue, Tax Map Designation 114-5-14

Relief requested: Variance to permit a 76.5 square foot internally illuminated sign on the premises. The maximum square footage allowed for signs is 30 square feet and internal illumination is not permitted.

Cleomenis Anastasis, vice president of G&D Restaurant Corp., presented his mailing receipts to the ZBA.

Mr. Donovan said he wanted to disclose that while he doesn't represent G&D or Cleomenis Anastasis, he has in the past represented Dennis Anastasis, not in connection with this property, but in connection with a condominium he bought a number of years ago.

Mr. Anastasis said the Goshen Diner sign is on G & D's property but had previously been used by CVS located in the nearby strip mall.

Mr. Stahlmann said the CVS sign was permitted because it was part of the strip mall and the diner property was also part of the mall. But the diner property was subdivided and is under separate ownership and not now part of the mall.

Mr. Donovan said the sign and size is okay as long as it is a part of the shopping plaza but now that the lot has been subdivided it is not part of the shopping plaza and the internal illumination, previously allowed, is now prohibited since the law was changed in the Village in 2001 to prohibit internal illumination. The Building Inspector is treating this as a new application on a new parcel because of the subdivision, and so the size is too big and it can't be internally illuminated because it is a "new sign," Mr. Donovan said.

Mr. Anastasis said that the Goshen Diner sign is the same height, same dimensions, the inside florescence is the same, the only difference is that the CVS panel was removed and the Goshen Diner banner put up. He had assumed everything was okay when he put it up.

Mr. Donovan told ZBA members that the same five factors taken into account for area variances are to be taken into account for signs.

Mr. Frishberg said that the sign won't change the character of the neighborhood because there was an existing sign there of the same size and illumination but that the variance requested has magnitude. He questioned whether granting the variance would set precedent and cause the Village to be inundated with applications for illuminated signs.

He asked what makes it "unique". Mr. Donovan said the unique quality is that it was a piece subdivided from the existing shopping plaza parcel that was allowed to have the larger sign in the first instance.

Mr. Stahlmann said that nothing new is being done, that "if there was never a sign there and the applicant wanted to put up a 76 foot. illuminated sign, a lot of us would look at the application differently."

Mr. Strobl said that the sign had existed with an external light on it, that it is in a commercial area next to two gas stations and a four way intersection with no houses that are going to be affected. It was noted that there are other illuminated signs in the vicinity.

Ms. Cione said she has concerns because the property was subdivided and the freestanding CVS sign was for the strip mall stores that were not easily seen from Route 207 so it was a signpost for what was around the corner. The free standing sign was not for this property, she said, adding that her concern is with the way this is evolving and how it is all going to evolve further.

There was discussion about whether the business could, under the code, have two signs. Mr. Donovan said he interpreted the code to say that this property can have a façade sign and a free standing sign.

Mr. Clark said he doesn't believe the sign changes the character of the neighborhood.

Mr. Strobl asked how it was any different from when the Exxon station changed its sign from Exxon/Mobil to Gulf.

Mr. Frishberg said it is not an undesirable change to the neighborhood and is not a detriment to nearby properties, nor does it have an adverse impact to the neighborhood.

Mr. Anastasis said the sign will enhance his business and is intended to draw new business.

Mr. Stahlmann noted that there was no one present from the public to speak at the public hearing.

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen closes the public hearing on the application of G & D Restaurant Corp. The motion passed unanimously.

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen grants the variance as requested by G & D Restaurant Corp. The vote was 4-1 with Mr. Stahlmann, Clark, Frishberg and Strobl voting in favor and Ms. Cione voting in opposition.

ADJOURNMENT – Upon motion made and seconded, the ZBA adjourned at 8:05 p.m.

Wayne Stahlmann, Chair
Notes prepared by Susan Varden