

VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
September 15, 2016

The regular meeting of the Zoning Board of Appeals of the Village of Goshen was called to order at 7:30 p.m. on Thursday, September 15, 2016 in the Village Hall by Chair Wayne Stahlmann.

Members present: John Strobl
Chair Wayne Stahlmann
Susan Cookingham
Nick Pistone

Members absent: Kerri Stroka

Also present: David Donovan, Esq., ZBA Attorney

Mr. Stahlmann opened the meeting with the Pledge of Allegiance

Application of Goshen Fire District, 99 North Church Street #111-11-16, C-S/ADD Zone

Relief Requested: Variance to permit a 58-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

Representing

Applicant: Alfred Turi, Goshen Fire District Chairman
John Brancaccio, Commissioner
Tom Frey, Commissioner

Mr. Turi stated he and his commissioners were here tonight to ask to update the sign at the fire house on North Church Street. They are proposing to install a computerized sign that would enable the message to be changed easily. Mr. Turi stated he would offer the use of the sign to the Police Department in case of emergency as well as the Village. He stated it was in a good location without any residential units directly near the fire house.

Chairman Stahlmann asked if the proposed sign would be placed in the location of the existing sign. Mr. Turi confirmed and stated the proposed sign would be a couple of inches taller than the existing sign.

Chairman Stahlmann stated the board had to ask if there was a less intrusive way to do the sign. Mr. Turi stated they wished the message to be able to be changed and if a sign had a light shining on it, it would still be illuminated in any case.

Mr. Donovan asked if it would look like the sign at the high school. Mr. Turi said it would look like that sign as well as the one at BOCES. He stated the message would rotate depending upon what was happening within the fire district at any given time.

Chairman Stahlmann asked if it would be on 24 hours a day. Mr. Turi confirmed and stated that the firehouse itself is lit 24 hours a day. Chairman Stahlmann asked if this was necessary. Mr. Brancaccio stated the fire district was trying to attract volunteers. Mr. Turi stated that if the board wanted to put time restrictions on the sign, they would comply with the board's wishes.

Chairman Stahlmann stated he wanted to address a letter from Mr. Bach. He said that the Beer World business is approximately 60 feet off of the road and the board's feeling was that for them to do business, people needed to know where it is. The board also felt the signage was not intrusive because it is not on the street. Chairman Stahlmann said the letter also states that a sign at the bagel store was also approved. He stated this is untrue. A sign was placed on the side of the building under existing lighting. It is not internally illuminated.

VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
September 15, 2016

Chairman Stahlmann asked the board members for comment.

Nick Pistone stated his concern was the light being on all night, but other than that it seemed straight forward.

Susan Cookingham had the same concern with the sign being on all night.

John Strobl stated he was on the board at the time the high school and BOCES requested signs. He inquired as to whether the sign could be dimmed to some degree later at night.

Mr. Donovan stated internally illuminated signs are allowed outside the Architectural Design District. This application is in the ADD Zone.

Chairman Stahlmann stated Kwik Stop was across the street. Mr. Turi stated A&F tire was to the right and the bank was to the left and a Village parking lot across the street. It didn't seem any residential units surrounded the firehouse.

Chairman Stahlmann stated the sign could be used as a public service in times of emergency; however he was concerned about the encroachment of other commercial businesses wanting to light up the Village.

Chairman Stahlmann asked if there was any public comment.

Ed Connor stated he was concerned about the size of the sign. It was clarified that the proposed sign is about the same size. Mr. Connor was offered an opportunity to review the sketch for the proposed sign.

Chairman Stahlmann read two letters into the record. The first letter was from Marcia Matheus who stated she was part of a committee to review and revise the Village's sign ordinances. She would like to see signs keep with the historic character of the Village and believes internally illuminated signs are inappropriate in this district. The second letter read into the record was from Maureen Quattrini who echoed Marcia Matheus' opinion.

Ed Connor stated he understood where Ms. Quattrini was coming from in her letter and stated that signage has been a long-debated issue in the Village. He believes variances of this nature will run the risk of spot zoning in the Village if not handled correctly.

Mr. Turi reiterated that the sign will be quite a bit off the road and believes it is a modernization and upgrading of the firehouse's systems and will be a good asset for the whole community.

Mr. Donovan explained to the applicant that there was one board member absent this evening and if they wished to postpone a vote until a full board was present they could do so.

Mr. Pistone stated that if a timer was available on the sign that would be a good idea.

Ms. Cookingham was okay with the fire department having an exception in order to provide public service announcements versus commercial businesses.

Mr. Strobl said he was all for it. He stated he has always had some difficulty with the Architectural Design Overlay over the business section of the Village. He stated the other illuminated signs for BOCES and the high school who are also serving the community.

Mr. Donovan stated there is a balancing test for granting variances with five factors to be considered. One is whether the granting of the variance will cause an undesirable change in the community. If the commercial businesses nearby say they want it also, the door is opened. The second factor is there any other way to accomplish the objective other than the variance. The

VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
September 15, 2016

third factor is whether the variance is substantial. Fourth, is there going to be any adverse physical or environmental effect. Lastly, is the variance self-created.

Mr. Donovan stated the board should balance those factors and look at the benefit to the fire district versus the detriment to the neighborhood. He said the board could say because the fire district is an emergency service provider in a non-residential neighborhood with the surrounding businesses closed at nighttime with the sign being setback from the road, the board could grant the variance, but ultimately it was for the board to make a determination one way or the other.

Chairman Stahlmann questioned that because the fire department is a public service whether that could be used as a reason to hold off the commercial business in the surrounding area from requesting a variance for an internally illuminated sign. Mr. Donovan stated that reason sets the fire district apart from a commercial enterprise.

VOTE BY PROPER MOTION made by Mr. Strobl, seconded by Ms. Cookingham to close the public hearing. The motion was approved unanimously.

VOTE BY PROPER MOTION made by Mr. Strobl, seconded by Mr. Pistone to grant the variance to permit a 58-square foot, internally illuminated sign restricted to cease operating at 11:00 p.m. at night through to 6:00 a.m. in the morning except in emergency situations whereby the sign could remain illuminated until such emergency has passed. The motion was approved unanimously.

VOTE BY PROPER MOTION made by Mr. Strobl, seconded by Chairman Stahlmann to adjourn the meeting. The motion was approved unanimously.

The meeting concluded at 7:57 p.m.

Wayne Stahlmann, Chair

Notes prepared by Tanya McPhee