

Village of Bloomfield ZBA meeting of November 6, 2014

The ZBA meeting was called to order at 7:00 p.m. by Chairman Ron Newell. Present were members Roslyn Duncan, Joe Ostrowski, Terry Hall, EJ Ward and CEO Andy Hall. Guests included John Sciarabba, Josh Bruckel, David and Amy Malpass.

A public hearing for area variance(s) for number and location of signs to be located at 3 Main St. (Quicklee's) was opened by reading the legal notice which appeared in the Daily Messenger.

The following was established for the record:

1. Proof of notification of residents within 200 ft. of the applicant's property was verified by the clerk
2. No written concerns or phone calls were received regarding this application
3. Ron explained the review process
4. Ron read the portion of the October planning board minutes which defined the number and type of sign variances needed. It was noted that the planning board did not make any specific recommendations for denial or approval of the signs.

Note: The remaining minutes may not be in chronological order to allow for grouping of topics.

A. Applicant presentation

John Sciarabba presented the sketches depicting the design and placement of the signs which included the following:

1. The proposed sign E will replace existing signage on the pre-existing pole sign. The new signage will be smaller than the previous signage and provide advertising visibility from the east/west direction as this building is located at an intersection.
2. All signs will be backlit and dark-sky compliant
3. The building is located on a corner lot with two (2) front setbacks with two (2) separate businesses, therefore a sign (D) placed on the building facing Main St. meets the need of the second business. The bank across the street, also on a corner lot, has two (2) signs, one facing each roadway.
4. A second sign (D) on the northeast side of the building is requested for visibility of Dunkin' Donuts from Elm St. for customers view prior to driving past the entrance to the facility on Elm St.
5. The variance to locate the three (3) building-mounted signs (D&A) above the first floor is needed as the Village zoning law regulating the Village Center District created conditions for the appearance of the building with regard to window placements and other aesthetic requirements such that the proposed location is the most appropriate and aesthetically attractive.

B. Public comment

The following was expressed by guests David and Amy Malpass:

1. The primary concern is the brightness of the lighting. It is requested that all lights be turned off when the businesses are closed.
2. All of the signage should be viewed as a package with regard to impact even though not all of the signage requires variances. The request seems excessive.

C. ZBA review

Part 2 of the short form SEQR for the unlisted action was reviewed as follows:

1. It was unanimously agreed that questions 1&2 regarding a material conflict with existing regulations and change in intensity of use are "no or small impact" as the application is for signage for a pre-existing business
2. The character or quality of the existing community was discussed – EJ Warden feels that the increased number of signs will have a moderate impact upon the neighboring area. Other members felt that the signage is located in a business district and is not excessive for the type of commercial uses, ie a gas station and retail use and therefore will have "no or a small impact". The vote was 4 for "no or small impact", 1 vote for moderate impact.
3. It was unanimously agreed that no or small impact will occur in terms of effect upon existing level of traffic as a result of the signs. (The village does not have a CEA).

4. Question #6 was discussed such that the lighting will be LED and full cut-off when the business is closed so it was unanimously agreed that no or small impact would occur as a result of the placement of the signs.

5. It was unanimously agreed that the signage request will have no or a small impact upon: water/sewer utilities, important historic, archaeological or aesthetic resources, natural resources such as wetlands, groundwater, etc., potential for erosion, or any other hazard to environmental resources or human health.

Joe Ostrowski motioned and Roslyn Duncan seconded that the sign variance applications for 3 Main St. (tax map #67.16-1-21.100) to allow an increased number of signs and the location of three (3) building signs above the first floor of the north, east and south sides of the building will have no significant adverse environmental impacts. The roll call vote was: Ros Duncan – yes, Joe Ostrowski – yes, Terry Hall –yes, Ron Newell –yes and EJ Warden – no and the negative declaration was duly adopted.

The area variances to allow for an increased number of signs and placement of signs were discussed. Highlights included:

1. All signs are in compliance in terms of size
2. Hours of operation will be 5:30am – 11pm as determined in the site plan approval. All lights should comply with full cut off when the businesses are closed to minimize any impact upon the residence located to the west.
3. Signs will be backlit and dark sky compliant.
4. Self-creation – hardship created by village VCD requirements for window placements and addition of second story in site plan approval. Requested placement above the first floor is the most appropriate size and location for the building mounted signs.
5. Pole sign is pre-existing – new signage will be slightly smaller in size and therefore will create no additional visibility issues.
6. Business is located on a corner lot with 2 fronts and 2 sides: signage requested will allow for advertising visibility from east/west and north/south to allow customers sufficient notice for the opportunity to access the business.

Terry Hall motioned and Joe Ostrowski seconded that the sign variance request for 3 Main St. (tax map #67.16-1-21.100) to allow placement of the Quicklee's sign (sign A) above the first floor of the building be approved as it is not a self-created hardship and is the most aesthetically appropriate location for the sign given the features of the building, with the condition that it comply with full cut off when the business is closed. EJ Warden feels that all of the signs need to be considered as a package with regard to impact even if not all of the signs require a variance. Others felt that the variance for the Quicklee's sign is for placement location only and could be considered on its own merit. The roll call vote was Ros – yes, Joe – yes, Terry – yes, Ron – yes and EJ – no and the motion was adopted.

7. EJ Warden suggested an alternative solution for the three (3) Dunkin' Donuts signs such that a triangular sign could replace the pole sign to give more visibility to travelers and that might eliminate the need for the two (2) building mounted signs. As there are 2 businesses and 2 front sides – one of the building-mounted Dunkin' Donut signs is permitted; however the regulations require that it be grouped with the other sign on Elm St. and the business is located on the Main St. side of the building, thus visibility on Main St is desired. It was felt by others that a triangular sign would emit more light than the existing pole mounted sign and thus would have a more negative effect on the area. The triangular sign would be located after the driveway access to travelers coming into the village from the north. The change in sign copy on the pole sign will not be any more intrusive than the existing sign.

8. EJ Warden feels that if all of the signs are viewed in total, including the two (2) Mobil signs on the canopy, the request is excessive and will impact the character of the area. The planning board felt that no variances were needed for the two (2) Mobile signs on the canopy as they are standard for gas stations. EJ added that they are not specifically permitted in the village sign law. Ron feels that the request is not excessive as the building is in a commercial district with more than one business in the building, including a gas station, and that the lights will be full

cut off when the businesses are closed. The gas station is pre-existing to the residential use of the adjacent property to the west.

9. There was a discussion as to the role of the ZBA in reviewing applications such that residents should be protected from negative impacts when reviewing variance applications; however the balancing test should also be considered to grant relief from regulations when possible if the negative impacts are felt to be minimal.

Terry Hall motioned and Roslyn Duncan seconded to approve the sign variance applications for 3 Main St. 9tax map #67.16-1-21.100) to allow two building mounted Dunkin' Donuts signs to be placed on the northeast and south sides of the building above the first floor façade and further to allow a two-sided sign to be placed on the existing pole sign as the building is on a corner with two fronts, the hardship was created by regulations in the zoning for window placements and a second story, there are no practical alternatives, and the proposed signage will not cause a change in character of the neighborhood. The roll call vote was: Roslyn – yes, Terry – yes, Joe – yes, Ron – yes and EJ – no, and the motion was adopted.

D. Adjournment

1. Joe Ostrowski was presented with a certificate from NYCOM for 25 years of service.
2. Budget request form – no additional requests for the 2015/16 fiscal year beyond current funding.
3. Terry motioned, EJ seconded and it was unanimously carried to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Kathleen Conradt, Clerk