

TOWN OF DOVER ZONING BOARD OF APPEALS REGULAR MEETING HELD ON WEDNESDAY, January 20, 2010, AT 7:00 P.M. AT THE DOVER TOWN HALL:

PRESENT: Chair Marilyn Van Millon
Member George Wittman
Member Henry Williams
Member Debra Kaufman
Member Anthony Fusco

Also in attendance was Secretary to the Board, Maria O’Leary, and Attorney Michael Liguori.

Chair Van Millon called the meeting to order at 7:01 p.m. and began with the Pledge of Allegiance. She then read the first item on the Agenda as follows:

MOTION TO CHANGE THE REGULAR MONTHLY ZBA MEETINGS to the 1st Wednesday of each month starting at 7:00 p.m. with an application submission deadline of three weeks prior to the regular meeting.

She then read the Resolution as follows:

The following Resolution was offered by Member Wittman, seconded by Member Fusco, to wit:

RESOLUTION AMENDING THE REGULAR MONTHLY MEETING DAY FOR THE ZONING BOARD OF APPEALS

WHEREAS, the ZBA desires to change the regular monthly meeting day from the third Wednesday of each month to the first Wednesday of each month starting on February 3, 2010 at 7:00 p.m.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals will meet the first Wednesday of each month at 7:00 p.m. starting on February 3, 2010.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Marilyn Van Millon	Voting: <u>Aye</u>
George Wittman	Voting: <u>Aye</u>
Henry Williams	Voting: <u>Aye</u>
Anthony Fusco	Voting: <u>Aye</u>
Debra Kaufman	Voting: <u>Aye</u>

The Resolution was thereupon adopted.
January 20, 2010.

APPROVAL OF MINUTES - Approve December 16, 2009 minutes.

MOTION: Member Kaufman motioned to accept the December 16, 2009 minutes as written; seconded by Member Wittman.

VOTE: Chair Van Millon – Aye
Member Wittman – Aye
Member Kaufman – Aye

Member Fusco – Aye
Member Williams – Aye

OTHER MATTERS: Attorney Liguori stated that there was a submittal by LukOil and wanted to let the ZBA know where it stands. He hadn't spoken with Betty-Ann (Secretary to the Planning Board and Architectural Board of Review) about any addition information that has been submitted, but he does know that we had left off with LukOil that they had found a new tenant for their property and they were going to operate the motor vehicle service station and gas station together as one operation and there was a question that was out there about whether or not the parcel of land that they were on was a separate parcel or was it part of the overall Ketcham Corners piece. That has a lot of impact on what happens before the Zoning Board of Appeals and what we were able to determine is that the piece that LukOil is on is, in fact, part of the whole and the only reason why they have a separate tax map designation is because in Dutchess County and other counties as well, the County will assign a tax map ID number for leasing purposes. Basically the tax map number is the same as the Ketcham Corners piece, except that the last digits have a "0000" and "0001"; that way the tax bills go right to the tenant instead of to the landlord, so the County does tax mapping for leasing purposes.

There was also a question as to how much road frontage the LukOil site would be entitled to because signage is directly related to road frontage. The maximum square feet is one half of your road frontage. If it was considered to be on it's own parcel, they would only have 37 feet of road frontage and 90 square feet of signage. Now that they are considered to be part of the whole Ketcham Corners piece, they have to submit to the ARB all of the signage in total for the entirety of the parcel, all of Ketcham Corners and all of LukOil. Once the ARB has had a chance to review it and make recommendations, then it would come from the ARB to the ZBA and that's the only time the Zoning Board would have jurisdiction over the matter; unless they went to the Building Inspector and just asked for a building permit. The Zoning Board has jurisdiction two ways; upon referral from either the Planning Board or the ARB, or a denial from the Building Inspector for an application for a building permit. There is a third way if you want to come and request an interpretation, but that doesn't apply.

Member Wittman asked if there was a violation and where does that stand.

Attorney Liguori stated that they made an application to the Zoning Board months ago to stay the violation and they didn't prosecute that. From the Town's perspective, he considers that to be dismissed as unprosecuted. An agreement was reached with the

Building Inspector and the applicant that if they would unplug their lights, which was the nature of the violation notwithstanding the rebranding, then go to the ARB at the minimum within 60 days, and that would basically forgo the enforcement of the violation against the property. The rebranding happened without the Town's permission, but the main fact is that that the signage had internal illumination. He expects that they'll probably be in front of the ARB for a little while and then once that's dealt with, then it will get referred to us for a variance. He knows that they have proposed to chop the sign down from 22' to 12' 6", the maximum height is 10', and also to disconnect and permanently not propose any lighting on the sides of the canopy. He believe State law requires that they have to have some lighting on the canopy, much like an ATM machine for safety purposes you have to have a minimum amount of lighting, but the one thing that they are going to come in is for internal illumination of the sign unless the ARB can get them in the position where they are going to illuminate the sign from the ground, which is what the Code requires.

Member Wittman looked at their drawings for the proposed signage and understands the height limitation, but also if the sign comes down too far, it's going to obstruct the field of view entering and existing on to Route 22, which may create a hazard.

What Attorney Liguori expects to happen is that the town's engineer will review the site lines coming out of the driveways; that's one of the interesting things about a ground sign compared to a pole sign and something that they'll have to work out because, if the sign as designed is going to restrict their view, then the ARB is going to be able to deal with it appropriately.

Member Wittman would rather see it go up higher to avoid that site problem.

The goal of the ARB is to try to make sure that it doesn't have to go to the ZBA.

MOTION: Member Wittman motioned to adjourn the meeting at 7:11 p.m.; seconded by Member Williams.

VOTE: Chair Van Millon – Aye
Member Wittman – Aye
Member Kaufman – Aye

Member Fusco – Aye
Member Williams – Aye

Meeting adjourned at 7:11 p.m.

Respectfully submitted by:

Maria O'Leary
Secretary to the Zoning Board of Appeals