

TOWN OF DOVER ZONING BOARD OF APPEALS REGULAR MEETING HELD ON WEDNESDAY, May 5, 2010, AT 7:00 P.M. AT THE DOVER TOWN HALL:

PRESENT: Chair Marilyn Van Millon
Member Henry Williams
Member Debra Kaufman

ABSENT: Member George Wittman
Member Anthony Fusco

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

Chair Van Millon called the meeting to order at 7:12 p.m. and began with the Pledge of Allegiance. She then read the first item on the Agenda as follows:

CONTINUED DISCUSSION/PUBLIC HEARING - LukOil - Z 2009-07 – The applicant seeks to appeal Sections 145-39 C. (2) and D. (3) of the Town of Dover Zoning Law. The requested area variances would, if granted, allow the applicant to have a freestanding price sign exceeding the 16’ maximum dimension by 9’ and exceeding the 10’ height maximum by 2.6’ and also be internally illuminated. This property is located at 3160 NY Route 22 in Dover Plains, NY, and is located in the HM district on tax map #7063-11-534507.

In attendance was Rob Spiak of CoreStates Group to speak on behalf of the application. Mr. Spiak was sworn in.

Mr. Spiak: The application is for signage variances. I would like to make one clarification on it; exceeding the 16’, that’s 16 square feet, so we’re all on the same page, I believe, we’re proposing 25 square feet.

Attorney Jacobellis: It is square feet.

Mr. Spiak: And not to confuse matters worse, I know there were some notes on the record that there’s a potential additional variance needed for maximum square footage of signage on the entire property. I know there was some correspondence between your attorney and our office related to that and I just don’t want to miss anything, I have a copy of that letter.

Attorney Jacobellis: I think, as the applicant stands before the Board, that there are three variances that they’re seeking; two area variances and one for illumination; I believe there was a requirement from the ARB’s final review of the application for a total square footage of size.

Mr. Spiak: Fair enough, I just don’t want to come back again. Basically, I’m sure you are aware, we’re proposing to, and it’s already been done on the site reface, the existing former Citgo signs with LukOil signs, there are two signs on the canopy that replaced the three former Citgo signs, which total 26 square feet, they’re 13 square feet each. On the freestanding sign, we have two 5’ x 5’ panels, one with the LukOil name on the top and the second panel will be the price sign. We’re proposing a height on that sign of 12’ 6” which is lowering down from an existing height of 22’ 6”; that covers the area variances. On the illumination, we do recognize that the Town local law that was adopted in 1999 regarding internal illumination for the sign, and the request from that variance at this time is basically for competitive reasons, we’re trying to

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keep a level playing field, our competition still having internally illuminated signs, we're not sure why they haven't been brought into compliance either, we don't think there's a negative effect on the neighborhood by keeping these signs illuminated at this time. Gas signs, in our opinion, are a little bit different than some of the other types of signs you get for restaurants or just a small professional office building. People come to gas station sites, they're looking for the price and they want to see a site that's safely lit and exposed. External illumination, in our opinion, is tough to do. If it were just for the LukOil portion itself, it probably would work OK, but the price is what they're trying to highlight and to illuminate a sign using flood lights or some sort of fluorescent topics, it just doesn't carry that far. One of the major reasons is just due to the competitive nature of the business; our two main competitors down the road have internally illuminated signs and we would like to keep it for that reason. We have no issue with putting a condition on any approval that we would immediately remove it upon our competitors removal of the illumination, that's the logic behind it.

Chair Van Millon: Do you know at this point of time what the hours of operation will be?

Mr. Spiak: Right now, it is my understanding that they do not have an operator for that site and if I had to give a standard line right now, I'd ask for 24 hours, I'm not sure if that would be it at this point. Generally, it's a repair facility there, there's not a convenient store; the hours would probably be more reasonable between the hours of 6:00 and midnight, I would imagine. I can certainly get you an answer on that.

Member Williams: When not in operation, will the lights remain on or off?

Mr. Spiak: The lights will go off. We wouldn't keep the sign illuminated if the business isn't operating.

Chair Van Millon: I know the other two businesses have been cited and I believe, I don't have any official on it, but they are going to be coming into compliance with the law; I don't have that in writing yet. Because we do not have all five members here tonight, and in order to give a variance for the internal illumination, we would have to have four positive votes, so I would ask for a motion to keep the public hearing open until next month. Next month's meeting is June 2.

MOTION: Member Kaufman motioned to hold the public hearing open; seconded by Member Williams.

VOTE: Chair Van Millon – Aye	Member Fusco – Absent
Member Wittman – Absent	Member Williams – Aye
Member Kaufman – Aye	

MOTION: Member Williams motioned to approve the April 7, 2010 minutes; seconded by Member Kaufman.

VOTE: Chair Van Millon – Aye	Member Fusco – Absent
Member Wittman – Absent	Member Williams – Aye
Member Kaufman – Aye	

Chair Van Millon: I'm going to ask at this time that in the future if you're unable to make the meeting, not only notify Maria, but please e-mail me or call me and let me know that you won't be here just in case Maria doesn't get the message, we'll both get together and we'll know someone isn't going to be here and won't have quorum.

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MOTION: Member Kaufman motioned to adjourn the meeting at 7:21 p.m.; seconded by Member Williams.

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

Member Fusco – Absent
Member Williams – Aye

Meeting adjourned at 7:21 p.m.

Respectfully submitted by:

Maria O’Leary
Secretary to the Zoning Board of Appeals