

Town of Wawayanda ZONING BOARD OF APPEALS

June 10, 2010

7:00 p.m.

Members Present: Richard Onorati, **Chairman**
Bruce Lewis
Ronald Myruski
Ray Spiak, alternate

Members Absent: Daniel Post
Carl Skinner
Richard Minkus, alternate

Legal Counsel: William Bavoso
David Bavoso

Recording Secretary: Patricia Battiato

The July 10, 2010 Town of Wawayanda Zoning Board of Appeals meeting was called to order at 7:00 p.m. by Chairman Richard Onorati. Chairman Onorati asked board member Ray Spiak to join the board in the absence of board member Carl Skinner.

I. PUBLIC HEARING

SECURITY SUPPLY CORPORATION / SBL# 5-5-18.1 / Rte. 6 & 17M / Town Commercial Zone

Applicant is applying for both an AREA Variance and a USE Variance of the Town of Wawayanda Zoning Code for the USE of a free standing sign in the TC Zone and also to allow for a larger free standing size sign than what the current zoning regulations are allowing for motor vehicle fuel stations, which is 64 square feet.

Mr. Kim Willey from Security Supply Corporation approached the board and stated his name for the record.

June 10, 2010

Page 2

Chairman Onorati asked **Mr. Willey** to review with the board the request for the record. Mr. Willey explained that they are the owners of the premises located at the intersection of Routes 6 and 17M in the Town. This is a wholesale distribution site for plumbing and heating supplies. Our request is to put up a sign that is larger than what's allowed. An 80 square foot sign.

Chairman Onorati asked what size the sign was that the previous owners Pontiac had. Mr. Willey did not know the exact size of the previous sign but said that it was significantly larger than what they are proposing.

Discussed the criteria for both the USE and AREA variance's and addressed each criterion. **Mr. Willey** explained that in order to operate their business the best way that they can do that, is to advertise ourselves to the public, be visible to the public and the best way we can do that, we feel is with a free standing sign that can be lit during the evening hours and be seen both night and day from the highways as well. There was a free standing sign at the site when the property was occupied by Middletown Pontiac and that sign was larger than the one we are requesting.

Discussed that there are numerous signs up and down Rt. 17M and Rt. 6, Gas Station signs, Car Dealership signs, etc. and feel that this will not alter the character of the neighborhood nor do they feel that this would have an effect on the neighborhood, or the health, safety and welfare of the community. It exists all up and down this corridor.

Mr. Willey continued that he did not think the hardship is self created as they do sell retail, but also there are wholesalers that need to find this property.

June 3, 2010

Page 3

As far as the criteria for an area variance, **Mr. Willey** feels that this will not create an undesirable change to the neighborhood as this is a significantly smaller sign than what was previously there, and also that there are larger car dealerships signs all over that area.

Mr. Willey explained that as far as having an adverse effect on the health, safety and welfare of the neighborhood of the community that the whole area on Rt. 17M and Rt. 6 is a commercial area.

Board Member Ronald Myruski asked why they chose a free standing sign, and why something bigger than what is allowed.

Mr. Willey explained that free standing is because we need something that can be visible from Rt. 6 and Rte. 17M so that the traffic, and contractors can find us and as far as bigger, for the area of this size, it would be appropriated for this commercial area.

Comments from the Building Inspector with regards to the application being presented for an 80 square foot freestanding sign is that “through an oversight during the zoning revision in 2009 that there is currently no provision for freestanding signs in the TC, MC, RH, and AB Zones (See Section 4-18.6.E) except for Motor Vehicle Fuel Stations. The Town Board is in the process of correcting this. In the interim I have been using the motor vehicle fuel station requirement’s (Section 4-18.6.E(4) (a) as a guideline which restricts free standing signs in the TC Zone to 64 square feet”.

Chairman Onorati opened the Public Hearing to the public by asking for any questions, comments or concerns? Let the record show that there were none. Public Hearing was closed.

June 10, 2010
Page 4

Motion by **Bruce Lewis**, seconded by **Ray Spiak** to grant the Area and Use Variance as requested, to allow the use of the free standing sign and to allow the sign to be larger than what is allowed.

Roll Call Vote:

Ronald Myruski	Aye
Bruce Lewis	Aye
Ray Spiak	Aye
Richard Onorati	Aye

Chairman Onorati declared the Variance requests **GRANTED**.

II. MINUTES

Motion by **Ronald Myruski**, seconded by **Ray Spiak** to approve the Minutes from May 12, 2010 as submitted.

All in Favor / Motion Carried

The Town of Wawayanda Zoning Board of Appeals June 10, 2010 meeting was adjourned at 7:24 p.m. by Chairman Onorati.

Respectfully Submitted by,

Patricia Battiato
Secretary to Zoning