

Village of Walden
Zoning Board Meeting
February 06, 2014

Chairwoman:	Brenda Adams	Present
Members:	Rebecca Pearson	Present
	Carolyn Wesenberg	Present
	Faith Piatt	Present
	Oscar Alleyne	Absent
	Gregory Raymondo	Present
Building Inspector:	Dean Stickles	Present
Village Attorney:	Robert Dickover	Present
Secretary:	Nancy LaMancuso	Present

Chairwoman Adams - Called the Zoning Board meeting to order at 7:30pm with the Pledge of Allegiance.

1. APPROVAL OF MINUTES:

Chairwoman Adams made Motion to accept Zoning Board Minutes of 10/03/2013 with minor changes noted (Changes made, copy sent to Building Inspector Stickles 02/09/14), Seconded by Member Pearson with all members voting yes (Member Raymondo cannot vote at this time, he was not present at the meeting).

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1 150 East Main Street

Chairwoman Adams – Read the Public Hearing notice; Village of Walden Zoning Board of Appeals notice of hearing, please take notice that a Public Hearing will be held on Thursday, February 6, 2014 at the Village Offices 1 Municipal Square, Walden, NY to consider the appeal of Mr. Leroy Malcolm for an Area Variance for property located at 150 East Main Street and identified on the tax map as Section 307 Block 4 Lot 9 located in a R4 single family zoning district from certain provisions of the Zoning Law of the Village of Walden so as to install a block letter sign on the front of the existing building.
#1 – Vary section 305-34 schedule of permitted sign as to install an Eight (8') long by Twelve (12") high Block Letter sign in blank area over the front doors of the existing building. All persons interested shall be given an opportunity to be heard on the issues raised on the appeal.

Leroy Malcolm – Presented mailing list and returned receipts to the Zoning Board.

Member Pearson – Counted receipts for mailing, twenty (20) mailed, ten (10) returned.

Leroy Malcolm – Made presentation; There will be 12" X 12" block vinyl letters, off white (presented sample for review), name of business Royalty Dry Cleaners.

Building Inspector Stickles – I took pictures of the front of the building for the Zoning Board to see the flat area above the front door is where he is proposing to put the signage in the red area. It's only going to 8' long and probably spaced in between, I don't think the area is more that a foot high.

Chairwoman Adams – I t will be centered across, horizontally and vertically and will say Royalty Dry Cleaning. Orange County said it was a local decision and we have a letter from Jennifer Fuller PHD from 154 East Main Street. She writes; Chairwoman Adams and members of the Board this letter is to support Mr. Malcolm's request to add a sign to the front of Royalty Dry Cleaners located at 150 East Main Street, Walden, NY, I reside at 154 East Main Street next door to Royalty Cleaners. I have no objections to the sign provided that it remains a plain vinyl sign that it is not illuminated as Mr. Malcolm indicated during our recent conversation. My grandparents Frank and Teresa Shear who are the original owners of the structure that Royalty Dry Cleaners occupies and also reside at 154 East Main Street pose no objection to the sign as well. Please take this letter into consideration when making your decision. Thank you for your time and attention, Jennifer Fuller. Does the Board have any questions at this time for Mr. Malcolm?

Member Pearson – I would like a clarification it says 8' long by 12" high block letters, but in the application it says 8" by 96", I know that 96" is 8" but it then says 8"?

Building Inspector Stickles – It's going to be 8' long by 12" high, it was clarified.

Member Pearson – Does this paperwork have to be changed?

Building Inspector Stickles – Yes, it was clarified in the notice and what was sent to the County.

Chairwoman Adams – The owner Jill Lampreau, where does that person live?

Leroy Malcolm – In Walkill, NY.

Member Pearson – The signage that you're looking to do would then have to conform to B4? There are sign laws in the Village and B4 has certain requirements.

Building Inspector Stickles – This is an R4, there is no signage allowed in residential zones that's why he's here. He doesn't have to comply with to B4 B3 B2.

Member Pearson – There is a law 305-35 which is home businesses within residential areas. Would he conform to that?

Attorney Dickover – There are no law requirements applicable to the sign because they're not allowed in the districts, you don't have any specific law requirements so you can impose reasonable conditions on the size of the sign that would seem appropriate. The Variance runs with the land.

Building Inspector Stickles – This is a nonconforming business in a R4 zone. Everything that has gone into this property has either received an Area or Use Variance.

Member Raymondo – As Attorney Dickover we can apply to this business the criteria of our sign law.

Chairwoman Adams – Is it going to be Royalty Cleaners or Royalty Dry Cleaners?

Leroy Malcolm – Royalty Dry Cleaners.

Chairwoman Adams – That's going to be 20', if each letter is 1 foot that's 20' with 2 spaces in between for two words, Royalty_Dry_Cleaners, correct?

Member Raymondo – I see the need for him to have a sign because it is a business. My only concern is I don't like those plastic letters. They tend to get broken and dirty.

Member Pearson – That is for the Architectural Review Board, we don't have any say about that.

**Member Pearson made Motion to open the Public Hearing
Seconded by Chairwoman Adams, All Ayes / Motion Carried**

Chairwoman Adams – There is no one here for the Public Hearing.

**Member Pearson made Motion to close the Public Hearing
Seconded by Chairwoman Adams, All Ayes / Motion Carried**

B. FORMAL APPLICATIONS:

B.1 150 East Main Street, Area Variance

Chairwoman Adams – Any further questions from the Board?

Member Piatt – The variance runs with the land. If it changed business next year then what ever that business it stays with the same size sign without having to get approval? Does anyone have control over that?

Building Inspector Stickles – If this variance is to be approved, all other signs that currently exist have to be removed other than the sandwich board sign. The sandwich board is allowed; it goes out during the day and has to be taken in at night. The only one that will be allowed now will be the one in the red area that will say Royalty Dry Cleaners, no other signs except on the door with the business hours.

Member Pearson – No flashing Open signs in the window.

Member Raymondo – Building Inspector Stickles is that a condition of the approval.

Building Inspector Stickles – I would ask that it be a condition of the approval.

Attorney Dickover – This is not a financial analysis as much as it is a question about detrimental change to the neighborhood. We can take a look at the ordinance.

Chairwoman Adams – It should not affect the character of the neighborhood with the Frosty Freeze across the street, pizza place across the street, a doctors office to the left facing the building and a dental office about ½ block away. It has a pre-existing non compliant business without a sign. We do not feel it is substantial.

Attorney Dickover – Perhaps in the decisions we can talk about the size of this particular sign to be 20' x 12" because of the number of letters and any successive business that might come on the property the size of the sign would be subject to review by the Zoning Board. The application needs to be amended so that the size will now be 20' x 12" block lettering. This does require Architectural Review Board approval. It's not to be internally lit and all other signs are to be removed. I do have a question about ownership of the property; you presented a deed with your application that showed ownership in Tycar Properties LLC? Is that company the owner of the property? What is your (Leroy Malcolm) relationship to Tycar Properties LLC?

Leroy Malcolm – I am just the tenant.

Attorney Dickover – We need to do a SEQRA review, it is an Unlisted Type Action and we need a short form EAF.

Chairwoman Adams – He did submit a short environmental assessment form.

Attorney Dickover – This is an application for an area variance for a sign, we can amend this as we go and make your determination. (The short for EAF was reviewed and changed/corrected accordingly). You typed the action as Unlisted but also need to declare yourselves as Lead Agency for these purposes. It is an Unlisted Action; you can do an uncoordinated review so that the Planning Board sitting as the Architectural Review Board can do a SEQRA review. **A motion could be made to conduct an uncoordinated review and declare yourselves as Lead Agency for the purposes of SEQRA.**

**Member Pearson Motion made as stated by Attorney Dickover above
Seconded by Member Raymondo, All Ayes / Motion Carried**

Attorney Dickover – Having made the determinations this Board could determine that the impacts will not be significant and therefore that a resolution for Negative Declaration could be made by the Board and so moved.

**Member Pearson Motions made as stated by Attorney Dickover above
Seconded by Chairwoman Adams, All Ayes / Motion Carried**

Chairwoman Adams – SEQRA is completed, we now need a motion to approve or deny the sign.

**Member Raymondo made Motion to approve the sign with the conditions of:
Size to be amended to 20' x 12", block letter sized 12" x 12", Architectural Review Board approval required, signs not to be internally lit, all other signs are to be removed and any other sign for this location will not have the size determined by this variance but rather the size of any subsequent application will be determined by the number of letters in their respected uses not to exceed 20'**

Seconded by Member Pearson, All Ayes / Motion Carried

C. DISCUSSION ITEMS:

D. INFORMATION ITEMS:

E. CORRESPONDENCE:

3. COMMUNICATIONS:

4. EXECUTIVE SESSION:

**With no other matters in front of the Zoning Board, Member Wesenberg made a Motion to adjourn,
Seconded by Member Piatt with all members voting yes.**

MEETING ADJOURNED: 8:30pm

RESPECTFULLY SUBMITTED
February 6, 2014
Nancy LaMancuso
Zoning Board Secretary