

**ZONING BOARD OF APPEALS
TOWN OF COLTON, NY
July 20, 2017**

MEMBERS PRESENT: Chair Cynthia Hennessy, Judy Fuhr, Warren Dyke, Floyd Supernault

PUBLIC PRESENT: Dale Hutchins, CEO Darren Richards, Peter and Danielle Edwards, Anne Townsend, Shelby Connelly, Martin Avery, Connie Hatch, Christopher Collins, Jesse Daniels
Meeting open at 7:31 with quorum present. F. Supernault made the motion to accept the minutes for the May 2017 Zoning Board meeting. Seconded by W. Dyke. All members were in favor.

PUBLIC HEARING RE: ZBA-38-2017 Dale Hutchins. Mr. Hutchins is wanting to build a hip roof/lean-to closer to the property line than what is allowed by Land Use Code book. Mr. Hutchins had a signed letter from his neighbor stating that the neighbor is fine with addition of the small building. Questions to Mr. Hutchins from the board in regards to the property line. Motion to close the public hearing made by W. Dyke, seconded by J. Fuhr. All members in favor. Public meeting closed at 7:34 PM

REGULAR MEETING: Chair C. Hennessy addressed Mr. Hutchins as to how the hearings would proceed and also informed him of his right to appeal under Section 78 of the NYS Supreme Court once the board made their decision. The Chair noted that regarding

- The Colton Town Planning Boards advisory opinion was: none
- SEQR type 2

Chair C. Hennessy reviewed the "Summary of Area Variance Criteria" and asked Mr. Hutchins to respond to each question on that list. Zoning Board members agreed with all answers on the Area Variance except for question 5. Has the alleged difficulty been self created? Mr. Hutchins answer was no. Board members disagreed. Board members were concerned with the look of the building from the neighbors point of view.

Chair reminded board they may approve the request with or without conditions, or not approve, giving substantial reasons.

W. Dyke made the motion to accept the variance with the stipulation of no tarps, roof only. Seconded by J. Fuhr. All members in favor. Chair C. Hennessy will send a Notice of Action to Mr. Hutchins. Regular meeting closed at 7:37pm.

PUBLIC MEETING RE: Open of Public Hearing for ZBA-23-2017, Dollar General at 7:38pm. Dollar General is wanting a larger store front sign as well as road side sign for their commercial property. The Land Use Code Book states an allowance of up to 32 square feet. DG wants 97.5 square feet on the building and 50 square feet on the road side. Chair C. Hennessy reviewed the "Summary of Area Variance Criteria" and asked Jesse Daniels from Daniels Signs, DG representative in this matter, to respond to each question on that list.

1. Will the project cause an undesirable change in the character of the neighborhood or to nearby properties?

Answer: Signage is taken from DGs national style guide. None of the signage is offensive.

ZBA response: disagree. Not conforming to signs in neighborhood.

2. Can the benefit be achieved by other means feasible to applicant?
Answer: No. Goal of building and road sign is to provide legible signage from a distance.
ZBA response: disagree. Negotiate, possible revision.
3. Is the request substantial?
Answer: No. This is the scale that DG installs in other commercial sites.
ZBA response: disagree. This is a very substantial variance from what is allowed in the Land Use Code book.
4. Explain why you believe this project will not have adverse physical or environmental effects?
Answer: variance will not impact the physical or environmental conditions of the neighborhood because the signs will not interfere with any driveways or public right of ways.
ZBA response: agree
5. Has the alleged difficulty been self created?
Answer: No. DG is trying to make the best of the space available.
ZBA response: disagree.

Referrals:

The Colton Town Planning Boards advisory opinion was: adhere to the Land Use Code book, complying with the town signage requirements.

Referral from the county: Returned for local action, citing NYS town law section 267-B which states "The board of appeals shall grant the minimum variance that it shall deem necessary and adequate, while at the same time preserve and protect the character of the neighborhood".

This is a type 2 SEQR.

Comments and concerns were heard from the public. W. Dyke read to all present the letter from Planning Board Chair Ed Fuhr, followed by a presentation from J. Daniels of Daniel Signs, Dollar General representative.

Motion to close the public meeting by F. Supernault. Seconded by J. Fuhr. All members in favor. Close of public meeting at 8:14pm.

REGULAR MEETING: Chair C. Hennessy addressed the applicant as to how the hearings would proceed and also informed them of their rights to appeal under Section 78 of the NYS Supreme Court once the board made their decision. Zoning Board members want to conserve the area. DG wants the building sign bigger because of the set back of the building. Chair asked if Dollar General would negotiate. Much concern over the color of the DG signage.

Chair reminded members they may approve the request with or with our conditions, or not approve giving substantial reasons.

F. Supernault made the motion for the road side sign for DG be no more than 32 square feet, adhering to the Land Use Code book, and with the building sign of no more than 75 square feet. Seconded by W. Dyke. All members in favor.

It will be noted that the Board prefers the signs to be less commercial looking, in agreement with the Planning Board. Chair C. Hennessy will be sending a Notice of Action to Dollar General.

ADJOURNMENT: with no further issues up for discussion F. Supernault made the motion to close the Zoning Board meeting. Seconded by J. Fuhr. All members in favor. Meeting closed at 8:32pm

Respectfully submitted,
Jennifer Cole, Secretary