



TOWN OF SAUGERTIES

ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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ZBA Monthly Meeting February 4, 2013

Present: Jeanne Goldberg, Joe Mayone, Brian Sawchuk, Samantha Dederick, Henry Rua, Donn Avallone.

Absent: Alvah Weeks and Bruce Leighton

~ Meeting started at 7:10pm by Jeanne Goldberg.

Decision/Pending Business:

Saugerties Community Church/Om Sai Ram Inc.
Fabiano, Frank (pastor)
P.O. Box 206
Glasco, NY 12432

File#: 12-0010

SBL#: 18.1-4-19.200

- Property located at 2778 Rt. 32.
- The Board reviewed and discussed the letter given to them by George Redder, Esq. pertaining to the above mentioned decision (on file) at the request of Chairwoman, Jeanne Goldberg.
- Henry stated he feels that the sign law should be changed seeing as how we have had 5 Appeals dealing with signs. Most of the Board agreed but all agreed that it is a matter for the Town Board, not the Zoning Board to address.
- Board is concerned of a precedence being set. However, in regards to the sign variance granted for Lox of Bagels and the sign variance granted for Land and Sea they are different because those establishments are on corner lots so they are allowed more sign square footage.
- Brian felt that the hardship that Mr. Fabiano stated regarding the speed being 55mph and the existing sign size being too small is not a real hardship because most of the businesses on Rt. 32 or in that area have the same size signs and they are fine.
- Sam mentioned that her desire to deny the request came from the statement that Mr. Fabiano said at the January 7th meeting saying that getting the variance will not make or break his church.
- Board mentioned that Mr. Fabiano could always erect a cross on the side of the building and it would follow the allowance of a wall sign and he'd be in compliance with the Zoning Law.
- Sam stated that she did mention that to him at January's meeting and she seemed to think he liked that idea and the applicant did mention how he wanted to do that in the future.
- Jeanne wishes the board was able to grant him the full 50sq.ft. requested, but she thinks if they do, it will set precedents to all other businesses/establishments. Because he rents the building and the variance goes with the land, and because he has not explored other options she feels the appeal should be denied.

DECISION (FABIANO CONT'D) 2/4/13:

- Joe stated that if you look at the criteria's they have to base their decision off of they would deny them all.
- Henry stated that if the applicant just changed his coloring of the sign and make some things smaller regarding lettering and then put the cross on the wall of the building he should be fine.
- Jeanne asked the Board for a motion if no more questions or comments.
- Motion made by Sam to deny the requested variance of 18sq.ft. which was 2nd by Joe.
- The Board went through the 5 criteria's regarding their decision and they found that it would have an undesirable change to the neighborhood, the benefit could be achieved by other means, the variance is substantial at 50%, the variance could have adverse effects to the community, and that the issue was not self-created that the Zoning Law created the issue.
- A vote was taken 5-0; all were in-favor to deny requested appeal based on the above mentioned criteria's.

Discussions:

1. Jeanne asked for a motion to approve the minutes from January 7th's meeting. Donn asked for a change on page 2 paragraph 5, Board agreed. Sam made the motion to approve with correction Donn 2nd motion vote was taken 3-0; 3 abstained due to being absent from January's meeting.
 2. All members received their Planning Board minutes.
 3. No other discussions.
- Jeanne asked for a motion to adjourn the meeting.
 - Motion made by Sam to adjourn the meeting which was 2nd by Henry. Vote taken 5-0.
 - Meeting ended at 8pm.
 - Next meeting will be on March 3, 2013.

Respectfully submitted,
Kathleen Blundell
ZBA Sect.