

*Leslie*

Minutes  
Village of Schoharie Zoning Board of Appeals  
Meeting held November 6, 2018, 7:00 PM  
At Village Hall, 300 Main Street  
Schoharie

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Village of Schoharie

Roll Call - the following members were present:  
Leonard Berdan, Chair  
Eugene Amedio  
Peter Johnson  
Absent: Ben Cooper and Imants Schrederis

The meeting was duly given public notice by publication in the Times Journal newspaper.  
A quorum was present and the meeting was called to order at 7:00 PM  
The members present chose Leonard Berdan to take the minutes.

Peter Johnson was welcomed as a new member to his first ZBA meeting.

New Business:

The only agenda item was a referral by the Village Planning Board to consider a sign size variance for a proposed sign at 229 Main Street, Village of Schoharie, tax map number 72.17-1-6. The property is owned by Hazem Elbially and consists of a 1.05 acre corner lot improved with a single family dwelling being converted to a dentist office on the first floor and residential space on the second floor.

The Village Planning Board referral was made by a letter dated October 1, 2018, from.” Neither document cites the section(s) of the Land Use Law that the proposed sign reputedly violates. the Planning Board Chair, Dusty Putnam, after the Planning Board had held a public hearing on September 25. That public hearing had been advertised and certified letters were sent to contiguous neighbors about the hearing. The Planning Board indicated the proposed signage “. . is attractive and well placed and there were no objections from the community at the public hearing.” A copy of the proposed sign design accompanied the referral. The referral letter states the proposed sign is “. .larger than our LUL permits..” and the Planning Board minutes of the hearing state the proposed sign size “. .is not in accordance with Land Use Law dimensions

Hazam Elbially was present at the ZBA meeting and provided additional copies of the proposed sign design.

The ZBA determined the following facts:

The property is located in a residential zone with a Multi-family/Mixed Use Overlay.

The property is a 1.05 acre corner lot as per the tax map, improved with a brick residence being renovated into a dentist office on the first floor.

The Village Land Use Law was reviewed by the ZBA.

Section 4-2, Definitions, page 144, Sign Area is defined as “That portion of a sign, not including the supporting structures that include the lettering, designs, logos or other graphics on the sign face.”

Section H of the Village Land Use Law, Signs, paragraph 16, page 46, states that “Businesses located in corner buildings are permitted to have one sign for each street frontage.”

Section H c, Sign Bonuses, page 47, provides for a 10% increase in sign size if only the identification of the businesses is on the sign and a 15% bonus if the sign is the only sign identifying the establishment and a 10% bonus for a ground sign, with all bonuses not to exceed 20%.

Table 3-1.2, Sign Sizes, indicates that signs in an R district free standing, non-pole can have a maximum size of 9 square feet. Section 3-3.2 B of the code states that signs used in conjunction with a home-based business shall not exceed 10 square feet.

After discussing and weighing these various sections of the Land Use Law, and considering the proposed sign is in an R district, on a corner where two signs are permitted, the ZBA finds that a sign size of 9 to 10 square feet plus a 20% bonus to 11 to 12 square feet is the maximum permitted size by the law.


The ZBA finds that the proposed sign size is approximately 14 square feet for the area above the supporting brick structural base.

The ZBA finds that the area variance requested is to permit the construction of the sign with an area variance allowing the 14+/- square foot sign as proposed and as shown on the sign plan. This area variance fits the general requirements for a Type II action for SEQR and requires no further review.

A public hearing was set for December 4, at 7:00 PM at the Town Hall.

The chair will prepare the public notice and provide a copy for the applicant, Hazam Ebialy, to mail to property owners within five hundred feet of the property as per section 10-5.4 F of the Land Use Law. The chair will also refer the action to the County Planning Committee.

A motion was made and seconded to adjourn the meeting and the meeting was adjourned at 7:45 PM.



Minutes reviewed and approved at ZBA meeting of December 18, 2018.