

**TOWN OF STONY POINT
ZONING BOARD OF APPEALS
MINUTES OF April 2, 2015**

PRESENT

**Mr. Anginoli
Mr. Keegan
Mr. Casscles - Absent
Mr. Vasti – Acting Chairman
Mr. Fox
Mr. Porath
Chairman Wright - Absent**

ALSO PRESENT

**William J. Sheehan, Building Inspector
Donald Feerick, Attorney**

**Agenda
April 2, 2015
7::00 P.M.**

DECISIONS:

Request of Lite Brite Signs, Inc. for Tractor Supply - Application #20150003

A variance from the requirements of the Town of Stony Point Zoning Code Chapter 215, Article IX, Section 52-B-2: Exceeds square footage: Required 40 square feet Provided 108 square feet. Chapter 215, Article IX, Section 52-B-3: Exceeds vertical dimensions Required 2.5 feet Provided 6.0 feet to install business identification sign on building at premises located at 150-176 South Liberty Drive, Stony Point, New York.

Section 20.04 Block 11 Lot 1 Zone BU

OTHER BUSINESS:

Request of Fire Inspector to address the Board

Acting Chairman Vasti: Good evening everyone I will be Chairing the meeting tonight. Mr. Wright is not here this evening .The Acting Chairman called the meeting to order. Please rise for the Pledge of Allegiance.

The Pledge of Allegiance was recited and roll call taken.

The Fire Inspector will not be on the agenda tonight.

Acting Chairman Vasti: The only item on the agenda is a decision for the request of Lite Bright Signs for Tractor Supply.

Request of Lite Brite Signs for Tractor Supply Appl #2025-0003

**A variance from the requirements of Chapter 215, Article IX, Section 52-B-2: exceeds square footage, required 40 square feet provided 108 square feet; Chapter 215, Article IX, Section 52-B-3L Exceeds vertical dimensions, required 2.5 feet provided 6.0 feet to install business identification sign on building at premises located at 150 South Liberty Drive, Stony Point, New York
Section 20.04 Block 11 Lot 1 Zone BU**

On April 2, 2015, the following resolution was offered by Mr. Fox, seconded by Mr. Porath, and carried, based upon evidence in the record:

**BOARD OF APPEALS
TOWN OF STONY POINT, COUNTY OF ROCKLAND**

In the Matter of Application #15-03 of Light Brite Signs , Inc, for Tractor Supply, for a variance from the requirements of the Town of Stony Point Zoning Code Chapter 215, Article IX, Section 52-B-2: Exceeds square footage: Maximum permitted 40 square feet; Provided 108 square feet; and Chapter 215, Article IX Section 52-B-3: Exceeds vertical dimension: Maximum permitted 2.5 feet; provided 6.0 feet, all to install business identification sign on building at premises located at 150-176 South Liberty Drive, Stony Point, New York designated on the Tax Map as

Section 20.04, Block 11, Lot 1.

The premises which are the subject of this application are located in a BU Zoning District.

The applicant was represented by Maria Rotundo and the following documents were placed into the record and duly considered:

Application; Building Inspector's Denial Letter dated 1/30/15; Narrative Summary dated 1/30/15; Marketing Design with Front Elevation depicting sign permitted under current code; Marketing Design with Front Elevation depicting proposed sign; and Site Plan.

Additionally, members of the Zoning Board of Appeals personally visited the applicant's property and viewed it and the neighboring properties on February 22, 2015.

WHEREAS, the proposed action is a Type II action under the regulations promulgated pursuant to the New York State Environmental Quality Act; and

WHEREAS, a public hearing was held on February 19 and March 5, 2015, and the testimony of the following persons was duly considered: Maria Rotundo.

WHEREAS, all the evidence and testimony was carefully considered and the Zoning Board of Appeals has made the following findings of fact:

The applicant is employed by Lite Bright Signs of 57 Montgomery Street, Middletown, NY, an agent of Tractor Supply, the tenant of commercial retail space located at 150-176 South Liberty Drive. The property is owned and leased by the Goldsmith Family Trust and managed by Gator Investments. The tenant is Tractor Supply Company, a business founded in 1938 and now operating a large retail chain of stores that offers a number of products for home improvement, agriculture, lawn and garden maintenance, and live stock, equine and pet care. The Tractor Supply Company is a leading U.S. retailer

in its marker. Its retail stores are operated under standard protocols, which brings uniformity and increases the visibility and continuity of the corporate image. It is renting three commercial stores, one of approximately 20,000 square feet and two smaller stores of approximately 3,000 square feet. The applicant is entitled to a sign for each store occupied, but is proposing one sign in the center of the large box store, to afford better visibility due to the property being located lower than street level and approximately 350 feet from the street. If three signs were used, each could contain a maximum of 40 square feet, with a maximum vertical height of 2½ feet. Instead, the applicant requests one sign containing 108 square feet with a maximum vertical height of 6 feet, and wishes to affix it to the face of the large box store. While the store is open from 8am to 9pm, the sign will be illuminated in a steady glow until 1am each day and then shut down.

The Town Code requires that a sign contain no more than 40 square feet. The applicant is requesting 108 square feet. The Town Code requires that a sign be no more than 2½ feet in height. The applicant is requesting 6 feet in height.

No adjoining landowner, tenant or neighbor appeared in opposition to the application.

WHEREAS, this Board has examined the written documentation and reviewed the testimony with respect to the applicant's request for variance, and, pursuant to the requirements of section 52-B-2 and 3 of the Town Law, hereby finds that the benefit to the applicant if the variance is granted outweighs any detriment to the health, safety and welfare of the neighborhood or community by such a grant, provided that degree of variances sought is reduced and that certain conditions as set forth herein will be met, and has made the following findings and conclusions in that regard:

(1) "whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance":

The proposed variances, if granted to the extent requested, could well produce an undesirable change in the character of the neighborhood or a detriment to nearby properties, in the event the landlord or tenant opts to separate the use and occupancy of the big box store from the two smaller stores, and the user or occupant of the smaller stores elects to post a sign upon the store front. The Board finds, however, that these potential undesirable or detrimental effects can be mitigated if the degree of the variances sought is reduced in certain respects and if certain conditions are met, set forth in more detail below. More particularly, the Board finds there to be no such adverse change or detriment if the variance granted herein is tied to the use and occupancy of the big box store by the Tractor Supply Company and in the event of a spinoff of either of the smaller stores, or both, this variance will be invalid as to the smaller stores (and they would be subject to the 40 square feet and 2½ feet height restrictions), and if a number of other conditions are met as set forth below.

(2) "whether the benefit sought by the applicant can be achieved by some method, feasible for applicant to pursue, other than an area variance:"

There is no evidence before this Board that the benefit sought could be achieved in some respect through other feasible means.

(3) "whether the requested area variance is substantial":

The variance sought is substantial.

(4) "whether the proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district":

The proposed variances, if granted to the extent requested, could produce an adverse effect undesirable on the physical or environmental conditions in the neighborhood, but those adverse effects can be mitigated by having the variance granted herein tied to the use and occupancy of the big box store by the Tractor Supply Company,

such that in the event of a spinoff of either of the two smaller stores, or both, this variance would be invalid and as to the smaller stores (and they would be subject to the 40 square foot, and 2½ feet height, restrictions).

(5) “whether the alleged difficulty was self-created”:

The alleged difficulty was self-created.

NOW, THEREFORE, BE IT RESOLVED, that the application for variances as set forth above are hereby approved in part and denied in part, as set forth below on the conditions indicated:

1. The Board recognizes the property is located below both Liberty Drive and 350 feet from the street and that there is a need for more visibility; that the proposed sign would reduce the number of permitted signs from three to one; that the business on site is expanding and adding a new tenant that seeks to promote its own brand and logo using a standard sign; and that the steady illumination from the site would automatically shut off at 1am each day.
2. The variance is granted to permit the Tractor Supply Company to install the proposed sign in the place and as depicted in the Marketing Design made part of the application.
3. Should either of the two smaller stores be spun off, or both, the variance granted by this approval cannot be transferred to the smaller stores; such stores must make proper application themselves for signage; and approval of any such application is dependent upon compliance with the Code’s Sign Law.

and the matter is remanded to the Building Department for further consideration in the compliance with all other applicable laws, rules and regulations.

Upon roll call, a vote to pass the foregoing resolution was as follows:

AYES: Five (5)

NAYS: Zero (0)

ABSTAIN: Zero (0)

There being five votes in favor of the motion, zero votes against the motion, and zero abstentions thereto, the Chairman declared the motion carried and the resolution adopted. The Clerk was directed to file a copy of this decision in the Office of the Town Clerk of the Town of Stony Point and to notify the applicant accordingly.

Joseph Vasti, Acting Chairman
Zoning Board of Appeals
Dated: April 2, 2015

Filed in the Office of the Clerk of the Town of Stony Point, New York this 6th day of April, 2015.

Town Clerk, Town of Stony Point

-End-

Mr. Porath wanted to acknowledge the GML letter and from Rockland County Planning Department to be recorded in the minutes.



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building 1
Pomona, NY 10970
(845) 364-3434
Fax: (845) 364-3435

EDWIN J. DAY
County Executive

DOUGLAS J. SCHEJTZ
Acting Commissioner

ARIENE R. MILLER
Deputy Commissioner

March 13, 2015

Stony Point Zoning Board of Appeals
74 East Main Street
Stony Point, NY 10980

Tax Data: 20.04-11-1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 238 L and M

Map Date: 1/8/2015

Date Review Received: 2/17/2015

Item: LITE BRITE SIGN FOR TRACTOR SUPPLY (SP-800C)

Variances to allow the installation of a sign on the building of an existing commercial business in the BU zoning district on 5.56 acres, with greater than permitted sign area square footage and higher than permitted vertical dimension, of the business identification signs

East side of US Routes 9W/202, 230 feet north of Holt Drive, opposite Filars Lane

Reason for Referral:

US Routes 9W/202 (Liberty Drive), Filars Lane (CR 98), Helen Hayes Hospital

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Disapprove***

1. The Town's zoning standards are reasonable and should be followed. The granting of these variances can set a precedent and encourage other nearby commercial uses along the State and County highways to request similar exemptions. The resulting proliferation of oversized signs will have an adverse effect on the safe and efficient flow of traffic along the State and County highways. If your Board finds there is a pattern of requests for sign variances and that some rationale exists for lessening the Town's standards, we suggest a recommendation be made to the Town Board to revise the sign standards on parcels that front high-volume traffic corridors.

2. The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process.

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Paul Schuetz
Commissioner

When taken by the Rockland County Planning Department under Article 12-B the County of Rockland does not render such opinions and make such determinations. The Planning Department defers to the municipalities if appropriate under the circumstances.

Under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act is preempted if the provision (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice that substantially burdens religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Acting Chairman Vasti and the Board discussed signage of other signs in the town and that the Building Inspector had previously spoken about sign laws in the Town being outdated.

There being no other business a motion was made by Mr. Anginoli Seconded by Mr. Keegan to adjourn the meeting of April 2, 2015. Hearing all in favor, the motion was carried.

Respectfully Submitted,

Clerk to the Board

Zoning Board of Appeals
April 2, 2015