

TOWN OF EAST BLOOMFIELD

August 10, 2022

Zoning Board of Appeals Members Present, Sonja Torpey, Art Babcock, Mark Thorn, Tim Crocker **Absent:** Rosemary Garlapow.

Others Present: Christel Daggett (Secretary) Kimberly Rayburn (Code Officer) Ed Sackett (Applicant), Jeremy Biernat (Applicant), Kathy Conrad. (Applicant).

Torpey opened the meeting at 7:00 pm. The Board opened the public hearing and the Secretary read the public notice.

I. 7:00 Crosman Sign Variance #TV5-2022 height and size of sign. Property located at 7629 Rts. 5&20 tax #80.00-1-4.000.

Sackett explained he wishes to add an 80 sq ft. (4 x 10) two-sided sign, 62 feet from center line of 5 &20 on the other side of the right of way. The sign will be 15 ft. from the ground and 9 ft. above the road. The current sign was too small for travelers to notice as they travel down 5&20. Putting up a bigger sign would enable travelers that go past at 55 mph. to be able to view it. As of now, there is no sign. It was over 20 years old and rotted causing it to blow over. There are trees that have grown up blocking the sign from being viewed. Crosman does not want to take any trees down, so putting up a larger sign and in a different location would be the logical thing to do. The sign will be backlit and on from dusk until dawn.

A discussion was held on the potential easement and the right of way. The sign needs to be clear of any utility lines and easements.

The Board then started their review of the State mandated five (5) criteria tests.

1. **Undesirable change to the neighborhood:** They felt that the proposed sign will have no effect to the area. The sign will not be unappealing to visitors traveling through the corridor and it does not constitute an undesirable change nor will it alter the look.
2. **Alternative method:** Given the visibility of the old sign a different location can be understood. The location does not require the removal of trees.
3. **Substantiality** The request does not exceed 50 %. Sign size is appropriate for the location and visibility.
4. **Impact on the environment:** Location chosen takes away the need to remove trees for visibility.
5. **Self-creation:** yes, it is self -created but, this does not preclude them from granting an area variance.

SEQR is a Type II with no further action required. Thorn motioned Babcock seconded to close the public hearing, all Board members in attendance voted aye.

Thorn motioned Torpey seconded to grant the area variance #TV5-22 for height and size of sign. Property owned by Crosman Corp located at 7629 St Rt 5&20 tax# 80.00-1-4.000.

Whereas:

1. The Board considered all the state mandated criteria, and includes the discussion in the minutes above.
2. Meets the setback for the road it is located on
3. Pending any approvals from NYS DOT for right of way easement and location of the sign

Babcock **Aye** Thorn **Aye** Torpey **Aye** Crocker **Aye**
All Board members present voted Aye, Vote was carried unanimously.

II. 7:15 Review #TV6-22 Area variance for a structure that does not meet the rear setback, the proposed barn will be 41.6+/- feet from the rear lot line where 50 is required. Property located at 3089 Bailey Road owned by Sarah & Jeremy Biernat.

Biernat is currently installing an inground pool and barn at the same time. When the pool was installed, it was placed further back than originally planned. This pushed the barn back as well. One corner of the barn was too close to the rear lot line. After realizing this they had the rear lot line surveyed. They are requesting an 8 foot +/- rear set back variance. A discussion was held on the location of the barn. The barn will be a 30 x 40 with a 12ft. awning off the front. Their desire is to have the barn close to the pool so they can use the barn as part of the fencing requirements. Also, to store pool stuff, and utilize the porch portion under the awning to watch their kids in the pool. This is the best location for the barn due to the topography of their lot. There is a strong slope in the yard that goes downward with a swale around the house and a wheat field on the other side of the yard. The awning is 12ft. 40” deep. Pool is 18 x 36 with a 3ft width of concrete on each side.

The Board reviewed the State mandated criteria

1. **Undesirable change to the neighborhood:** none
2. **Alternative method:** Current placement is the best location due to the placement of the pool.
3. **Substantiality** 8ft in this situation does not seem substantial and they have no rear neighbors.
4. **Impact on the environment:** Not applicable.
5. **Self-creation:** The Board feels this is self-created, but it does not preclude them from granting the area variance.

SEQR was determined to be a type II with no further action required. Babcock motioned Crocker seconded to close the public hearing. All Board members in attendance voted aye.

Thorn motioned Crocker seconded to grant the area variance #TV6-22 for structure that does not meet the rear setback Property owned by Sarah & Jeremy Biernat located at 3089 Bailey Rd.

Whereas:

1. The Board considered all the criteria, and includes the discussion in the minutes above.
2. There were no objections from the neighbors.
3. No adverse impact on the environment.

Record of Vote:

Babcock **Aye** Thorn **Aye** Torpey **Aye** Crocker **Aye**

All Board members present voted Aye, Vote was carried unanimously.

III. 7:30 Review # TV7-22 Area variance for a LED advertising sign. Property located at 6910 State Rt 5&20 Bloomfield NY. Tax Map # 81.00-1-13.100

Veterans Park is proposing to replace the current manual letter sign with a LED sign. The existing sign has plastic letters that need to be changed manually and it is getting harder to buy the letters. It’s also labor intensive. They are limited to what they can put on the sign and becomes an issue when they have multiple events. The electronic LED sign can put up messages from the computer electronically. Therefore, making it more effective. The only downside it has to run 24/7 due to it needing a cooling fan but, the lights do dim at night. The sign will be placed at the entrance where the current sign sits. A brief discussion was held on the location and setbacks of the sign. Conradt stated the American Legion sign and the electric service has been in the same location for years.

The Board reviewed the State mandated criteria

1. **Undesirable change to the neighborhood:** The sign is an in-kind replacement. It's not in a residential area, an LED sign is an improvement as times change and the code may need to be updated
2. **Alternative method:** none
3. **Substantiality:** Minimal, in-kind replacement, dims at night
4. **Impact on the environment:** Footprint is smaller
5. **Self-creation:** yes, it is self-created

SEQR was determined to be a type II with no further action required. Crocker motioned Thorn seconded to close the public hearing. All Board members in attendance voted aye.

Thorn motioned Crocker seconded to grant the area variance #TV7-22 for an LED Advertising sign located at 6910 Routes 5 & 20 for Veterans Park.

Whereas:

1. The Board considered all the criteria, and includes the discussion in the minutes above.
2. No objections from the neighbors
3. The sign is an in-kind replacement. No negative affect on the neighborhood.

Record of Vote:

Babcock **Aye** Thorn **Aye** Torpey **Aye** Crocker **Aye**

All Board members present voted Aye, Vote was carried unanimously.

III. Discussions:

The Board welcomed the new ZBA Secretary, Christel Daggett

IV. Meeting Adjourned

Thorn motioned Torpey seconded to adjourn at 8:20 pm. All Board Members present vote Aye. Vote was carried.

Respectfully submitted,

Planning & Zoning Board Secretary

Christel Daggett