

**Minutes**  
**Zoning Board of Appeals**  
**March 14, 2019**

**Board Members Present:** Alan Hall, Sr., Mark Morey, William Oehler, Harold Moffitt

**Board Member Absent:** Theresa Coughlin

**Others Present:** Toni Whipple, Kathy Galusha

Meeting Commenced at 7:00 p.m.

Mr. Morey - We're going to call the meeting to order. This is the March 14, 2019 Zoning Board of Appeals for the Town of Warrensburg meeting. First order of business is roll call. Let the record reflect Mr. Moffitt, Mr. Oehler, Mr. Hall and myself are here. Next business is approval of the meeting minutes of the previous meeting. Anybody have any... Does anybody have any changes?

Mr. Hall - I don't.

Mr. Oehler - I don't.

Mr. Morey - I do.

Mr. Oehler - Okay.

Mr. Morey - Page 3, six lines down, it attributes the question, did this go before the County or did it need to. It's under... You didn't list it as me asking the question. It's listed as you asking the question.

Mrs. Corlew - Oh, okay.

Mr. Morey - About a, almost halfway down the page, the word "reading"... The sentence is, "I guess we're reading to go through the application". It should be "ready to go through the application". And three quarters of the way down, the sentence is, part of the sentence, "might be a little big objectionable", it should be "bit objectionable". Page 4, almost half the way down, there's a fairly long paragraph that starts with Mr. Morey. It should be Mr. Oehler. Those were his, those were his words. Anyone else have any... Nothing? I'll make a motion that the minutes are approved as amended. Is there a second?

Mr. Oehler - I'll second it.

Mr. Morey - All in favor, say aye.

**RESOLUTION #2019-7**

Motion by: Mark Morey  
 Second by: William Oehler

**RESOLVED**, to approve the Zoning Board minutes of February 14, 2019 (with the above corrections).

**DULY ADOPTED ON THIS 14<sup>TH</sup> DAY OF MARCH 2019 BY THE FOLLOWING VOTE:**

Ayes: Alan Hall, Mark Morey, William Oehler, Harold Moffitt  
 Nays: None

Mr. Morey - Okay, new business, I'm going to open the public hearing on area variance ZBA 2019-2. Patti, would you explain to us why this is, why this is in here.

Mrs. Corlew - Yes. Well, basically the projecting signs that they put up are bigger than what's allowed in the code. Five square, five square is, is what's allowed in the code and their signs are bigger. They have three signs; one is the old sign that they moved and two of the other ones are signs that they replaced the old one with, so they just... They need your approval because I can't permit them to put them up. And one of the signs is lit...

Mr. Morey - Internally.

Mrs. Corlew - ...internally. And that is not allowed in the code either. All, all other types of signs can be internally lit, but a projecting sign, so they need a variance for that also.

Mr. Morey - Okay. Toni, are you going to be speaking for the applicant? Okay, it's our custom to swear the witness, so, or anybody that speaks. So if you'd raise your right hand. Do you solemnly swear that the statements you are going to give the board are the truth, the whole truth and nothing but the truth.

Ms. Whipple - To the best of my knowledge, yes.

Mr. Morey - Okay. And Kathy, will you be...

Mrs. Galusha - I shouldn't have to say nothing, but...

Mr. Morey - If you do, we'll have to swear you at that time.

Mrs. Galusha - Okay. No problem.

Mr. Morey - Who wants to start out the questions here? Well, I'll start. I've got several. The signs that you took down, do you have any idea what size those were or what..?

Ms. Whipple - The sign that was taken down...

Mrs. Corlew - Well, the one is the old Ashes sign.

Mr. Oehler - Which, which one is that?

Mrs. Corlew - The one, the green one.

Mr. Morey - In our picture here that says..?

Mrs. Corlew - It's...

Mr. Oehler - The one that's lit up with the neon?

Ms. Whipple - Yes.

Mrs. Corlew - This green one was, used to be in the front.

Mr. Oehler - Yes (inaudible) projection.

Mrs. Corlew - Right. So they replaced the green one with the blue one and put the green one on the side.

Mr. Oehler - Was the Ashes Hotel, the one we're talking about, the green one, was that projecting on the front of the building..

Mrs. Corlew - Yes...

Mr. Oehler - ...originally.

Mrs. Corlew - ...it was. They put the blue one exactly where the green one was.

Mr. Oehler - Okay. The size of that sign is...

Mr. Morey - It's listed on our application.

Mr. Oehler - Yeah. I'm just seeing if it's the same exact size as the original sign.

Mrs. Corlew - No, it's not.

Ms. Whipple - It's a little bit smaller.

Mrs. Corlew - You mean the old one?

Ms. Whipple - The old one is 12.54.

Mrs. Corlew - It's different...

Ms. Whipple - The other, the new one is only 12.

Mr. Oehler - No.

Mr. Morey - No.

Mrs. Corlew - It's got different dimensions.

Mr. Oehler - Yeah. But the height is, it's showing 25 inches tall, not counting the six inches on the bottom.

Mrs. Corlew - Right.

Mr. Oehler - So we're at 31 inches tall. We're 5 foot across.

Mrs. Corlew - Hm hm. And the other...

Mr. Oehler - And it's 4 foot across the bottom, so... So it's realistically, it's, the sign is 5 foot by 2 foot, pretty much.

Mrs. Corlew - Yeah, it's the same...

Mr. Oehler - It's 1 inch less. Yes. And the original sign was 5 foot by 20 inches. No, actually... I'm sorry, it's 31 inches.

Mrs. Corlew - Yes, it was 31..

Mr. Oehler - 31.

Mrs. Corlew - Both, yeah.

Mr. Oehler - And, so they are thirty, they're both 31.

Mrs. Corlew - Right, they're both 31.

Mr. Oehler - Okay. So they are, they're the exact same size.

Mrs. Corlew - Pretty much, yeah.

Mr. Oehler - Pretty much.

Mrs. Corlew - Yeah.

Mr. Morey - So that also exceeds the maximum projection.

Mrs. Corlew - Yes, it does.

Mr. Oehler - But that was grandfathered in apparently, from years ago, originally.

Mrs. Corlew - Yeah, I mean, that's been up there for ages.

Mr. Oehler - And the new one is lit or not lit?

Mrs. Corlew - The new one is lit, internally.

Mr. Oehler - The one that's on the front.

Ms. Whipple - They did say that they would be willing to change the bulbs to a different color.

Mr. Morey - And what color is it now? I know the sign's blue and yellow, I believe.

Ms. Whipple - Purple sign with interior lights.

Mrs. Corlew - The interior lights are like a... Is it like a bright white or is it..?

Mr. Oehler - No, I've seen it. It's not...

Ms. Whipple - It's an LED light.

Mrs. Corlew - It's an...

Ms. Whipple - It's on a timer.

Mrs. Corlew - Okay.

Ms. Whipple - That automatically comes on at 7:00 p.m. and goes off at 2 a.m. Which can be adjusted.

Mrs. Corlew - The time...

Mr. Oehler - Right. Patti, Laura Lane across the street, was she notified of this meeting?

Mrs. Corlew - I believe so. If she's directly across from Ashes...

Mr. Oehler - She is directly across from Ashes.

Mrs. Corlew - ...then she was. Then she was. If she's... I'm not sure, if she's really directly across (inaudible). I think the vacant lot...

Mr. Oehler - Well, the vacant lot and then she's to the, just to the right.

Mrs. Corlew - Yeah, so I don't think she got one.

Mr. Oehler - She didn't get one.

Mrs. Corlew - 'Cause I only have to send it to people who are directly across.

Mr. Oehler - Okay. And Mrs. Patterson was notified?

Mrs. Corlew - Oh yes.

Mr. Oehler - Okay.

Mr. Morey - Okay.

Mrs. Corlew - And the neighbors on the other (inaudible) ones in the back (inaudible).

Mr. Oehler - Okay.

Mrs. Corlew - Anyone that touched their property or was across the street directly, got it.

Mr. Oehler - Right, okay.

Mr. Morey - So the total number of signs on the building, has that increased, remained the same or decreased?

Mr. Oehler - It's increased by two.

Mrs. Corlew - It's increased. They've since gotten another permit for a wall sign on the other side.

Mr. Oehler - The one that you're showing us a picture of? The old sign?

Mrs. Corlew - No, this... You don't have a picture of it. You don't have a picture of it because they didn't need a variance for that one.

Mr. Oehler - Okay.

Mrs. Corlew - So basically what they have, what they want in the end are two signs for each business; one on each front, street?

Mr. Oehler - Right.

Mrs. Corlew - Which they are allowed to do.

Mr. Oehler - Yep.

Mrs. Corlew - So, but they are increasing the size because they only had that one Ashes sign before and then an OTB sign they had out front.

Ms. Whipple - Those are gone.

Mrs. Corlew - Right. Kate took down the OTB sign down and put up the Ochos sign in place of the OTB sign.

Mr. Oehler - What was the size of the old... What was the size of the OTB?

Mrs. Corlew - I think it was the same size.

Mr. Oehler - Of the Ochos...

Mrs. Corlew - I think that's what she said.

Ms. Whipple - It's close. That I don't have dimensions on.

Mrs. Corlew - I don't have the dimensions of the OTB sign.

Mr. Morey - For the board members that weren't here, we had something similar to this with the gas station down on the corner by the health center, where they had, they had removed some signs and replaced them with different signs and by the time we got done, that's why I'm going through the sizes and the...

Mr. Oehler - Hm hm.

Mr. Morey - By the time we got done, we decided that it was really non-jurisdictional because they had, they actually decreased the square footage of their signs, but this one is, obviously there is a little bit difference. And the other

question I have for you, Patti, is if you have two businesses in the same building, wouldn't you be allowed to have two signs per business?

Mrs. Corlew - Yes, you can.

Mr. Morey - Okay.

Mrs. Corlew - And especially if you front on two streets.

Mr. Morey - Hm hm.

Mr. Oehler - Right, and they do front on two streets.

Mrs. Corlew - But, yeah.

Mr. Oehler - So what we're say... Is this, this Ocho Cantina sign is the same size as the OTB...

Mrs. Corlew - That was out there.

Mr. Oehler - ...that was out there and that's going over there, this business here, so...

Mr. Hall - Just out of curiosity...

Mrs. Corlew - Basically the only additions are the signs that are the Lake Avenue side.

Mr. Oehler - The old sign. Technically the only sign that really, anything that's changed is actually the one, the old sign that got put on Lake Ave., that's the one that's changed.

Mrs. Corlew - Hm hm. And the wall sign, which is permitted.

Mr. Oehler - Yeah, the wall sign. So realistically this has not changed nothing (inaudible).

Mr. Morey - Well, for practical purposes.

Mr. Oehler - Right.

Mr. Morey - The square footage (inaudible) signage hasn't really changed.

Mr. Oehler - Nothing's changed. Nothing.

Mr. Morey - It hasn't changed on Hudson Street, realistically, right? So...

Mr. Oehler - No, it's the same. 'Cause the old sign and that new sign, this sign here...

Mrs. Corlew - Right, it's not...

Mr. Oehler - ...are the same within like one inch. This sign, this new sign and this old sign here are within one inch of each other.

Mr. Morey - but they also, with the second business in the, on the Hudson Street side, would be allowed two signs.

Mr. Oehler - Right. So they have this Ocho Cantina, so, and that's the same size as the OTB, so...

Mr. Morey - Okay, is everybody clear or confused.

Mr. Oehler - Everybody all set here? You're good?

Mr. Hall - Just out of curiosity, when that monstrous snow bank is gone, are you going to allow parking in front or is it all going to be on the side?

Mrs. Whipple - Most of it will be on the side. You can only park maybe three vehicles in the front. Okay, 'cause I showed up to view the property just apparently at opening time and the number of people came up and looked at the side, on the side that goes back towards the development there and they're looking around for the door, which apparently is on Hudson Street side.

Ms. Whipple - Yes.

MRs. Corlew - You can go...

Ms. Whipple - You can enter either way.

Mrs. Corlew - ...either way. Yeah.

Ms. Whipple - You can enter through the back door and go through a door into to the dining room or you can walk around the front and come in the front door.

Mr. Hall - That's what most of them entering... The signage must have been a little confusing to some of them.

Mr. Morey - Okay, if there's no more questions...

Mr. Oehler - No.

Mr. Morey - ...at this time, I'll make a motion that ZBA #2019-2 be approved. Is there a second?

Mr. Oehler - I'll second it.

Mr. Morey - Okay. All those in favor.

Mr. Hall - Aye.

Mr. Oehler - Aye.

Mr. Moffit - Aye.

#### **RESOLUTION #2019-8**

Motion by: Mark Morey

Second by: William Oehler

**RESOLVED**, to approve application ZBA #2019-2 by Ashes/Ocho Cinco Cantina, for property located at 85 Hudson Street, for an area variance.

#### **DULY ADOPTED ON THIS 14<sup>TH</sup> DAY OF MARCH, 2019 BY THE FOLLOWING VOTE:**

Ayes: Alan Hall, Mark Morey, William Oehler, Harold Moffitt

Nays: None

Mr. Morey - So we'll proceed to going down through application and to discussion. Was this required by...

Mrs. Corlew - Just a minute. You motioned to approve the application.

Mr. Morey - Yeah, but we haven't voted on it.

Mrs. Corlew - You all said aye.

Mr. Morey - Okay. We did.

Mrs. Corlew - Okay, so now you have to...

Mr. Morey - I make a motion that, that...

Mrs. Corlew - Delete that one.

Mr. Morey - ...we delete the previous motion. Is there a second?

Mr. Oehler - I'll second it.

Mr. Morey - All those in favor, say aye.

### **RESOLUTION #2019-9**

Motion by: Mark Morey

Second by: William Oehler

**RESOLVED**, to delete Resolution #2019-9, approving application ZBA 2019-2.

### **DULY ADOPTED ON THIS 14<sup>TH</sup> DAY OF MARCH, 2019 BY THE FOLLOWING VOTE:**

Ayes: Alan Hall, Mark Morey, William Oehler, Harold Moffitt

Nays: None

Mrs. Corlew - Sorry.

Mr. Morey - I'm glad you...

Mrs. Corlew - Yeah.

Mr. Morey - I knew when I did that, it sounded wrong to me, but. I make a motion we approve ZBA 2019-2. Is there a second.

Mr. Oehler - I'll second it.

Mr. Morey - Okay, we'll proceed to discussion and then a vote.

Mrs. Corlew - Okay.

Mr. Morey - Okay. If that's a little confusing to you, that's, that's the custom that I inherited when I came on this board twenty something years ago, 28 I guess, but it was always confusing to me and apparently it still is. Did this go to the County?

Mrs. Corlew - Yes, it did. No county impact.

Mr. Morey - No county impact. Question number one, 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. You answer, "no, a sign will be placed above each business front door. They are not



overly lit or in the way of any sidewalk or road". Any of the board members have any questions?

Mr. Oehler - How much property do you guys own from the building to the actual sidewalk? From like where the posts are? I mean, I know that obviously the sign hangs over your property. It doesn't hang over the sidewalk.

Ms. Whipple - There is a small concrete slab before the sidewalk, the actual width of it, I don't know.

Mr. Oehler - Okay.

Mr. Morey - Okay, I have a question on the lighting. And have any of the... Obviously some of the board members have observed the... I guess that's my biggest sticking point is that it's obviously I guess a tasteful lighting, I guess you'd say. I mean, you can, you can read the sign at night, but it doesn't, it doesn't shine in your eyes or anything like that. I think... What was the objection to... Why did they not want internally lit signs? Do you have any idea? Because it's permitted, you can hang two lights up there.

Mrs. Corlew - It's permitted, like if it was a wall sign, it would be permitted. I don't know why... I really don't know what the difference is for a projecting sign and a wall sign.

Mr. Morey - I think they wanted, in our discussion with the pizza parlor, I think we went over that the objection was that it would be a sign similar to the one that is across the street. It, for the deli there. It is continually changing. They, I think they wanted to preclude that.

Mrs. Corlew - Yes, I think you're right.

Mr. Hall - We had the internally lit sign for Tops.

Mr. Morey - Yes.

Mr. Hall - That showed up and we okayed it.

Mr. Morey - Yes, it's on the building.

Mrs. Corlew - Well, that's not a projecting sign though.

Mr. Hall - Hm?

Mrs. Corlew - That's not a projecting sign though.

Mr. Oehler - That's on their property.

Mrs. Corlew - That's a wall sign.

Mr. Morey - We also had...

Mrs. Corlew - That's permitted.

Mr. Morey - The health center too, the new health center, wanted lit signs, but... I think if we could frame a, maybe an exception if the, if it's a condition that it, if it's acceptable to the applicant, that the lighting be something like, be constant and not be a flashing sign... I don't want to...

Mr. Oehler - Rotating...

Mr. Morey - ...to give a variance for something and it opens the door out for them to change and put a, ya know, a flashing sign or a, ya know, a constantly changing message. So who wants to help me with that motion?

Mr. Oehler - I'll make a motion.

Mr. Morey - Well, we've got to frame it a little better. Well, we want to make it so that it's, it's not...

Mrs. Corlew - Condition the... Condition the application to limit the sign to...

Mr. Morey - Internal lighting only...

Mr. Oehler - Internal...

Mr. Morey - No changing message.

Mr. Oehler - Steady light. Internal, steady light.

Mr. Hall - Static lighting, something.

Mr. Oehler - Nothing that's rotating.

Mr. Whipple - I don't think any of these are capable of that either.

Mr. Morey - They aren't, but...

Mr. Oehler - Just, down the road, that you guys, the sign gets broke or something and you decide oh, we've got a variance for this size, we could change the sign up a little bit and make it so it makes it flashy and people can see it down at the corner.

Mr. Morey - Is that agreeable to you?

Ms. Whipple - Yes.

Mr. Morey - Okay. I make a motion that if approved, that the sign be constant lighting; no variations and that the message remains the same. Is there a second?

Mr. Oehler - I'll second.

Mr. Hall - I'll second.

#### **RESOLUTION #2019-10**

Motion by: Mark Morey

Second by: William Oehler

**RESOLVED**, to impose a condition on application ZBA 2019-2, if approved for the 3 projecting signs. The condition being that any lighting of the sign be constant (no variations) and that the message remains same.

**DULY ADOPTED ON THIS 14<sup>TH</sup> DAY OF MARCH, 2019 BY THE FOLLOWING VOTE:**

Ayes: Alan Hall, Mark Morey, William Oehler, Harold Moffitt

Nays: None

Mr. Morey - And I guess before we go much further, I'll make a motion that this is a Type II listed action under SEQRA. And is there a second to that?

Mr. Oehler - I'll second it.

Mr. Morey - All those in favor, say aye.

**RESOLUTION #2019-11**

Motion by: Mark Morey

Second by: William Oehler

**RESOLVED**, to deem application ZBA #2019-2 by Ashes/Ocho Cinco Cantina, tax map #210.16-1-22, located at 85 Hudson Street, for an area variance, as a Type II listed action under the State Environmental Quality Review Act.

**DULY ADOPTED ON THIS 14<sup>TH</sup> DAY OF MARCH, 2019 BY THE FOLLOWING VOTE:**

Ayes: Alan Hall, Mark Morey, William Oehler, Harold Moffitt

Nays: None

Mr. Morey - Nothing more on the lighting and question number one. We'll proceed to number two. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance. You answer, "the sign minimum of 5 square feet is hardly visible..."

Mr. Oehler - Visible, yeah.

Mr. Morey - "...to passerbys. We thought a slightly larger sign would appeal to potential customers". It's been the board's experience that the 5 square feet has been unrealistic in several other applications and they've been approved, so considering that this sign doesn't substantially or even practically exceed what existed, in my opinion that, that's a non-starter as far as... It's fine with me.

Mr. Oehler - Yeah.

Mr. Moffitt - Yeah.

Mr. Oehler - Yes.

Mr. Hall - Agree.

Mr. Morey - Question number three, whether the requested area variance is substantial. You answer, "no. Requesting a small increase in sign size requirement". We talked about that. Same

thing, the total increase is almost nil. Question number four, whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. You answer, "no. There were hanging signs of similar size in the same location. They were permitted at the time". Any questions on that, anyone?

Mr. Hall - If my memory serves me right, those signs were there (inaudible) were there before zoning came in, so they were grand-fathered in and permitted..

Mr. Morey - Hm hm.

Mr. Hall - ...that way.

Mr. Morey - Anyone else? Number five, whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance. You answer, "no. The signs are very close to the building, above the ground at a safe distance". Mr. Oehler?

Mr. Oehler - Well, I mean the difficulty was they put them there. I mean, it's that, they wouldn't have to be in front of the variance if they didn't have them there, so.

Mr. Morey - Exactly, and that, that happens more often than you might think.

Mr. Oehler - Exactly.

Mr. Morey - But, as we said before, the, you don't have to meet all the conditions in an area variance.

Mr. Oehler - Exactly.

Mr. Morey - You only have to meet the majority. There has been something from our training, I think some of the towns around are, actually I believe Queensbury is one, but they're looking pretty hard at the ones that come in after the fact, but I, I can see where, with this case, where they're replacing a sign of the same size and everything other than the lighting, where that would, you could, would think that that would be permissible, but it's always a good idea to check with our Zoning Administrator.

Mrs. Corlew - Toni's very good about checking with me.

Mr. Morey - Okay. Anyone else have any..

Ms. Whipple - I have her on speed dial. I ask before I do anything.

Mr. Morey - That's good. I'm glad because that makes a lot less work for us. Okay, it's 7:25. At this time, I'll close the public hearing for area variance ZBA 2019-2, unless someone else has something that I've missed or..

Mr. Oehler - Patti, when do we make a motion to have this put in front of the Town Board so that we do not have to keep going through this every time someone comes in here with a sign? What do we have to do to make this change?

Mrs. Corlew - (Inaudible) when Jim was the Chairman, he wrote a letter to the Town Board and asked them to change...

Mr. Oehler - Okay, 'cause it seems like it's, it's, it's an ongoing thing with, with these signs. We have to deal with this and obviously this is kind of absurd 'cause it's the same exact same, same exact thing that was there. I mean, if, if they just wrote something in the code that just said we, if you were going to have this sign, which is what was there.

Mrs. Corlew - All they need to do is change the dimension of the minimum size or maximum size.

Mr. Oehler - Well, I don't know if we should do... The maximum size would be fine, but rolling signs, like Jack's sign and someone that wants something that's continuous. Ya know, I think that someone should get a permit for that. 'Cause they could put something up that's massive, ya know, maybe bigger than... I don't know what size Jack's is. ...that's going to be constantly flipping. I don't know how that would... That wouldn't look good up where they are.

Mrs. Corlew - No. Definitely not.

Mr. Oehler - Yeah, that would be... So if we, if we put that in there and said, ya know, you can do this and we don't put that part with the lights rolling, we could get ourselves in a lot of trouble, but a steady sign, lit or whatever, I mean, as long as it's not...

Mrs. Corlew - We do have something in our code that says you can't, can't have, you have to have a steady light. You can't have it changing.

Mr. Oehler - Okay. How did Jack get away with it?

Mrs. Corlew - Well...

Mr. Morey - It's freestanding.

Mrs. Corlew - I wasn't in charge then, and the... Chris did an interpretation and allowed it to, to change every so many seconds and...

Mr. Oehler - Okay.

Mrs. Corlew - ...I don't have that in front of me, so...

Mr. Oehler - Okay.

Mrs. Corlew - ...I don't know.

Mr. Oehler - 'Cause I know the pizza, I remember the pizza place had a situation where they had one that was rolling. They got denied and they couldn't have it.

Mrs. Corlew - That was a constant roll.

Mr. Oehler - Right.

Mrs. Corlew - And...

Mr. Morey - And they had another place they could put it. They could have...

Mrs. Corlew - Yes, that's true. That was the issue.

Mr. Morey - That was the main...

Mrs. Corlew - ...issue, was the...

Mr. Morey - ...reason for the denial. They had another place that they could put that, that it would be seen on that, and so...

Mr. Oehler - So it would be seen by the road or just...

Mr. Morey - Yes.

Mr. Oehler - ...on the side of the building?

Mr. Morey - Yes. On the side, they could've hung it under the porch and (inaudible) to the...

Mr. Oehler - Yep.

Mr. Morey - ...face of the building, and, and we asked the applicant at that time, we explained that, and then he said yes, it had been explained to him, but he wanted to try for the variance anyway to see if, if it would be approved and it wasn't, so.

Mr. Oehler - Well, he could've had the rolling sign under the porch?

Mrs. Corlew - No, he couldn't have had the...

Mr. Morey - He could have a lit sign.

Mrs. Corlew - Not the rolling part, no.

Mr. Oehler - So it couldn't (inaudible).

Mrs. Corlew - He could've ended up doing something like what Jack did and having it...

Mr. Oehler - Slowing it down.

Mrs. Corlew - Slow, yeah. Slow it down to whatever seconds he okayed it for...

Mr. Oehler - Okay.

Mrs. Corlew - ...for Jack's.

Mr. Oehler - So if we do something, we have to put something in there that's, you said it's in there steady light (inaudible) it is now. I'm sorry to keep you guys, but I'm just, we're just... This has been going on. I mean, Jack was here for another and there's people in for signs all the time. So we need to...

Mr. Morey - Ya know, so we have...

Mrs. Corlew - It takes a long time to make a change, so you've got to start sometime.

Mr. Morey - We have flexibility because we are able to condition an application. As a rule, we don't usually do that because you try to give the applicant the variance they asked for.

Mr. Oehler - Hm hm.

Mr. Morey - And, but we also, the expectation is for us to give the minimum variance; not to just give a...

Mr. Oehler - Allow them what they want.

Mr. Morey - ...ya know, carte blanc and whether they could do anything, ya know, get a sign variance (inaudible) any sign you want.

Mr. Oehler - Right.

Mr. Morey - That's the reason for that. So if everybody's pretty well confident in what they've heard, we'll proceed to a vote. A yes vote will approve the motion. Mr. Moffitt?

Mr. Moffitt - Yes.

Mr. Morey - Okay. Mr. Oehler?

Mr. Oehler - Yes.

Mr. Morey - Mr. Hall?

Mr. Hall - Yes.

Mr. Morey - And I vote yes as well. So you have your variance and can keep your signs and I've tried the restaurant and that's good, so.

#### **RESOLUTION #2019-12**

Motion by: Mark Morey

Second by: William Oehler

**RESOLVED**, to approve application ZBA #2019-2 by Ashes/Ocho Cinco Cantina, tax map #210.16-1-22, located at 85 Hudson Street, for an area variance, to allow the placement of 3 projecting signs that exceed the maximum size permitted of 5 square feet (with the Ashes sign on the front being internally lit).

**DULY ADOPTED ON THIS 14<sup>TH</sup> DAY OF MARCH, 2019 BY THE FOLLOWING VOTE:**

Ayes: Alan Hall, Mark Morey, William Oehler, Harold Moffitt

Nays: None

Ms. Whipple - It's been doing very well.

Mr. Moffitt - I haven't tried the restaurant yet. I've (inaudible).

Mr. Oehler - I've eaten there about four times.

Mr. Hall - How did it come about that quite a few people think you're down on River Street?

Ms. Whipple - The corporate office is down on River Street.

Mr. Hall - Hm?

Ms. Whipple - The corporate office is down on River Street.

Mr. Morey - Patti, have we had any communications?

Mrs. Corlew - No. Just those Towns and Topics.

Mr. Morey - Anyone have any comments? I'll make a motion that we adjourn then. Is there a second?

Mr. Moffitt - I'll second.

Mr. Morey - All those in favor, say aye.

**Motion by Mark Morey, second by Harold Moffitt and carried to adjourn the Zoning Board meeting of March 14, 2019 at 7:30 p.m.**

Respectfully submitted,

Patti Corlew  
Recording Secretary

Zb03142019



**RESOLUTION #2019-7**

Motion by: Mark Morey  
Second by: William Oehler

**RESOLVED**, to approve the Zoning Board minutes of February 14, 2019 (with the above corrections).

**DULY ADOPTED ON THIS 14<sup>TH</sup> DAY OF MARCH 2019 BY THE FOLLOWING VOTE:**

Ayes: Alan Hall, Mark Morey, William Oehler, Harold Moffitt  
Nays: None

**RESOLUTION #2019-8**

Motion by: Mark Morey  
Second by: William Oehler

**RESOLVED**, to approve application ZBA #2019-2 by Ashes/Ocho Cinco Cantina, for property located at 85 Hudson Street, for an area variance.

**DULY ADOPTED ON THIS 14<sup>TH</sup> DAY OF MARCH, 2019 BY THE FOLLOWING VOTE:**

Ayes: Alan Hall, Mark Morey, William Oehler, Harold Moffitt  
Nays: None

**RESOLUTION #2019-9**

Motion by: Mark Morey  
Second by: William Oehler

**RESOLVED**, to delete Resolution #2019-9, approving application ZBA 2019-2.

**DULY ADOPTED ON THIS 14<sup>TH</sup> DAY OF MARCH, 2019 BY THE FOLLOWING VOTE:**

Ayes: Alan Hall, Mark Morey, William Oehler, Harold Moffitt  
Nays: None

**RESOLUTION #2019-10**

Motion by: Mark Morey  
Second by: William Oehler

**RESOLVED**, to impose a condition on application ZBA 2019-2, if approved for the 3 projecting signs. The condition being that any lighting of the sign be constant (no variations) and that the message remains same.

**DULY ADOPTED ON THIS 14<sup>TH</sup> DAY OF MARCH, 2019 BY THE FOLLOWING VOTE:**

Ayes: Alan Hall, Mark Morey, William Oehler, Harold Moffitt  
Nays: None

**RESOLUTION #2019-11**

Motion by: Mark Morey  
Second by: William Oehler

**RESOLVED**, to deem application ZBA #2019-2 by Ashes/Ocho Cinco Cantina, tax map #210.16-1-22, located at 85 Hudson Street, for an area variance, as a Type II listed action under the State Environmental Quality Review Act.

**DULY ADOPTED ON THIS 14<sup>TH</sup> DAY OF MARCH 2019 BY THE FOLLOWING VOTE**

Ayes: Alan Hall, Mark Morey, William Oehler, Harold Moffitt  
Nays: None

**RESOLUTION #2019-12**

Motion by: Mark Morey  
Second by: William Oehler

**RESOLVED**, to approve application ZBA #2019-2 by Ashes/Ocho Cinco Cantina, tax map #210.16-1-22, located at 85 Hudson Street, for an area variance, to allow the placement of 3 projecting signs that exceed the maximum size permitted of 5 square feet (with the Ashes sign on the front being internally lit).

**DULY ADOPTED ON THIS 14<sup>TH</sup> DAY OF MARCH, 2019 BY THE FOLLOWING VOTE:**

Ayes: Alan Hall, Mark Morey, William Oehler, Harold Moffitt  
Nays: None