

**Town of Red Hook  
Zoning Board of Appeals Meeting Minutes  
March 5, 2008**

**CALL TO ORDER**

The meeting was called to order at 7:45 P.M. by Chairman Timothy Ross.

**ROLL CALL**

Members Present: Timothy Ross, Kenneth Anderson, John Douglas, Michael Mosher

Members Absent: Jim Hegstetter, Corinne Weber

Also Present: Bob Fennell, Building Inspector

**PUBLIC HEARINGS**

7:45 Appeal 07-13, Jerry Simonetti of Sim-Kno Farms LLC application to display a twenty by twenty foot sign on the side of barn reading "Hudson Valley Fresh – Buy Local". The law limits the size of the sign to twelve square feet with only the name of the establishment and its principal service or purpose. The applicant's lot is located at 7782 Albany Post Road, Red Hook, in the RD3 Zoning District. Chairman Ross stated that the Public Hearing was closed about 56 days ago and a decision must be made before the next regularly scheduled meeting. That is why he scheduled a Special Meeting. The Town Attorney has looked at this Appeal and it does not fall under Agriculture and Markets. When we went through the four tenets, the majority of the Board agreed that the message is good; however, it is far in excess of what is allowed (more than twenty times that) and could be handled by other methods, different types of advertising. My personal opinion, he continued, is that we probably should not grant a variance for a two hundred square foot sign.

Chairman Ross then asked if anyone would like to speak about the sign on the barn. *Linda Keeling*, Red Hook, said that she liked the message because it is promoting farming; however it is very big and sets a precedent for others. Chairman Ross agreed and said that it is unique because it does not obstruct views. Some people are opposed to it because it blocks the side of the nice barn. He asked for comments from the Board. John Douglas said that the problem is that it is precedent setting. Ken Anderson said that he thought it has served its purpose and the time is up. There are ways to promote agriculture in the area other than a twenty by twenty sign. Mike Mosher said that it is a nice sign, but it has been there a while and granting a variance would be excessive. There are many other ways to advertise and clearly it was self created. It would be nice if it were a lot smaller.

## Motion to Deny Variance

Chairman Ross moved to deny the variance on the grounds that it is excessive, that it was self-created, that other avenues are possible for promoting the message. While the Board in general agrees with the message, we feel that the sign is inappropriate and as such, we direct the applicant to remove the sign within ninety days of the filing of these Minutes and in the future, prior to purchasing and erecting a sign, come here first. The motion was seconded by John Douglas and all were in favor.

8:00 Continuation of Public Hearing for Appeal 07-21, JNY Quest Realty application to erect two identity signs and allow the following variances: 1), 2) and 3) internally illuminated signs of 24 square feet, 62.25 square feet and a wall mounted sign of 34 square feet each of which exceeds the limit of eight square feet; 4) decrease the required setback from the road for signs from fifteen feet to eight feet; 5) increase total signage from the limit of sixty square feet to 96.25 square feet. The applicant's business is located at 7307 South Broadway in the B1 zoning district. Mr. John Fragala of JNY Quest was present for his application. Chairman Ross noted that when this Appeal was discussed at the last meeting, only four members of the Board were present and the applicant therefore opted to continue the Hearing. He read into the record a letter from *Linda Keeling*, 238 Pitcher Lane, Red Hook, opposing the proposed signage on the basis of excessive size, closeness to the road and sighting distance to the road for vehicles entering or exiting the business. She felt that it would create a bad precedent and disrupt the small town ambience which the town's Master Plan attempts to foster.

In response to questioning from Mike Mosher, the Board then reviewed the plans for the signs and also the data presented by Mr. Fragala at the last meeting which cites the size and distance from the road of the signs of the surrounding businesses. Triebel's sign is four feet off the property line and Mr. Fragala's proposed sign is eight feet off the property line. Ruge's existing sign is six feet off the property line and is 48 square feet, while Mr. Fragala's proposed sign is 24 square feet. Majestic's is 45 and Triebels is 45. Mr. Fragala said that there is an additional sign on Ruge's property which is similar to my existing sign. Chairman Ross said that Ruge's and Triebel's are pedestal mounted. That's the difference; they are up in the air.

Referring to the issue raised in Ms. Keeling's letter, Mike Mosher said that from his familiarity with this site, it doesn't appear that a vehicle entering or exiting this property would be pulling out where they would not have sight distance. Chairman Ross agreed, saying that that was one thing which he did check. He pulled into and out of the site and it is far enough back. Mr. Mosher said that if you are stacked, you can't see; but if you're stacked, you shouldn't be leaving without coming to a full stop anyhow. When you come to a full stop, you have good sight distance there. Chairman Ross said it that the sign would be about fifteen feet from the edge of the traveled way because you have eight feet from the property line, the sidewalk and the grass strip, which is another seven feet, three feet of concrete and two feet of grass. That was my biggest concern, he continued,

because you can see under the existing sign whereas this one will be a monument sign but you really don't need to see under the sign.

The one thing I like better about the sign is that it is a more muted color. The existing one is hideous. Our biggest concern was the size in the original proposal, which was larger. This one isn't really 24 feet, it is 22.5. The Board reviewed the plans and pictures of the signs. Bob Fennell, Building Inspector, asked if the new sign should not meet the requirements of the law. Since the old sign is to be replaced, he said, here is an opportunity to eliminate a non-conforming use and bring the property into conformity with the law in regard to signage. The Board should think about that rather than buy into the notion that we should be Everywhere USA and have corporate logos. We want to be a distinctive country, rural town and maintain our rural character. And here is an opportunity to do that. Mike Mosher asked how you do that when you have a movie sign fifteen feet in the air, a GM sign, etc. You are where you are, he concluded. Mr. Fennell responded that just because you did all those things, doesn't mean that you have to continue to do them. Will it never end? The law was written for a purpose, to try to preserve the rural character of the town. Why do we disregard that, he asked. Chairman Ross responded, "We don't." We are here, he said to balance the benefit to the applicant with the detriment to the town. If this were down the road, past Hannaford, I would say that this is definitely inconsistent because it is really country there. This is right in the middle of the business district. If it were in a residential area, it would be different. I personally find it consistent with what is there, the old car dealerships, the movie theater and Triebel's. Mr. Fennell said that when he goes home to Rhinebeck, there is only one internally illuminated sign from the Rhinebeck line to the middle of Rhinebeck and that is Williams'.

Ken Anderson said that he thinks that there will be changes on the Majestic property and we should think about that. It would present an opportunity to set some guidelines and make them work for everyone. Chairman Ross said that the town has had sign issues for years. Bob Fennell said that the Zoning Review Committee should eliminate the internally illuminated signs and then people could not get area variances for them. Ken Anderson verified that right now the code allows a maximum of eight square feet for internally illuminated signs.

Mike Mosher said that he does not feel that the signage is excessive, given the dimensions of the building. Chairman Ross said that this sign would almost double the size of the existing sign, which is twelve square feet. John Douglas said that there is a mixture of signs throughout town. Ken Anderson felt that it was time to get that under control. John referred the sign at Fisher Center at Bard. Chairman Ross said that he thought that that was the right thing to do. The sign is huge, but it is unobtrusive. It is very hard to read. If you are not looking for it, you don't notice it as you go by. It is unique because it is huge, but not excessive. Ken Anderson added that there are no other signs around it.

John Fragala said that although the sign is internally illuminated, it is basically a soft blue sign versus a white sign that jumps out at you. When this is internally illuminated, there

is a very soft look to it. It is not a bright, brilliant light like the present one. It is not obtrusive at all. Bob Fennell asked what the light source is. Fluorescent, Mr. Fragala responded. John Douglas asked Mr. Fragala which is the next largest sign. He said that Ruge's, on the other side, is twice as big and Majestic, which is externally illuminated, is almost twice as big and those are both white with lettering. John Douglas asked how big is Triebel's sign. Forty five square feet, Mr. Fragala responded. But that is up on a pedestal, Chairman Ross said, and could be forty years old. So that is different. Mike Mosher noted that right across the street there will be a bank. The Board reviewed the plans for the proposed bank.

Mike Mosher asked if the proposed sign was the smallest Mr. Fragala can buy from the company and Mr. Fragala responded that it was. Chairman Ross said that the original proposal was for a bigger sign and he has downsized it. Ken Anderson inquired about the sign on the Apple A Day Restaurant. Bob Fennell confirmed that that sign had met the zoning requirements.

Chairman Ross asked the Board members for questions or comments. Ken Anderson said that the code prefers externally lit signs and he would like to see them externally lit because it is more in keeping with a small community. Chairman Ross said that he personally likes the proposal better than what is there. It would be nice if companies did have a larger selection to pick from, but unfortunately most companies leave that to the business owner if they want to carry the franchise. I think it would improve it and make the site look a little nicer. Ken Anderson said that the Board has to think about what might happen when the new owners come in to the Majestic property. Chairman Ross said that the Board will have to look at that in the same way, benefit to the applicant versus detriment to the neighborhood and whether it will change the character of the area. Mr. Anderson stressed that the Board has to be consistent in whatever it approves.

*Ms. Keeling* asked if there is any possibility of putting in plantings or flowers. Mr. Fragala said that he would not be opposed to that. Chairman Ross said that it would be possible because if the Board grants a variance, they can put conditions on it.

Chairman Ross asked for comments from the Board. John Douglas said that he has downgraded the size of the sign from the original proposal. The signs on the properties to the north and south of him are larger than his. He is going to be approximately 22 square feet and eight feet off his property line, which is another thirteen feet from the traveled way. I don't have a problem with the pedestal sign and I think that you need something that size for the sign underneath the eaves, because it has a three foot overhang. We can put a condition in that the sign has to be turned off at a certain time in the evening. Chairman Ross said that it should be during business hours. Mr. Fragala said that it would not be a problem to put the sign on a timer. Ken Anderson verified that the sign on the building would be lit from behind. John Douglas said that Ruge's sign is also lit up. Mr. Fragala emphasized that both of the signs would have really soft lighting.

Mike Mosher said that he doesn't think that this is bad. He said he understands the comments made by Bob and Ken, but I consider this a minimum relief grant because I

don't think the size of this sign is excessive. I think that clearly the setback from the road is not an issue. I do think that the sign is attractive. It is not intense; when the light shines through the blue, it is going to be dark, I like the condition that the sign should only be lit during your hours of business. The fact that it is internally lit doesn't really cause me distress, nor does the size given where it fits in that neighborhood and given its location relative to the surrounding area. I do not think that there is going to be a sighting distance problem exiting the property, given the setback. I think there is pretty good sight distance there. John Douglas asked Mr. Fragala what his hours of operation are. Mr. Fragala said that they are 7:30 to 5:30, Monday to Friday, 7:30 to 3:00 on Saturday and 10:00 to 1:00 on Sunday.

Ken Anderson said that he would like to see it externally lit and landscaped. Again, Mr. Fragala said that he would not be opposed to landscaping. *Ms. Keeling* said she thinks that landscaping would spruce it up and make it more attractive. John Douglas suggested planting perennials. John Douglas asked Ken Anderson if he would willing to compromise relative to internal vs. external lighting if there were landscaping and a condition on the having a set period of time when the signs can be illuminated. He responded by saying that we have a hodge podge of signs on Route 9 and he would like to see an attractive, nicely landscaped sign. Mike Mosher said he felt that this would an improvement over what is there now.

John Douglas said that Monroe has a wood sign. He asked if Car Quest would be willing to go with something like that. Mr. Fragala said that he has tried a number of changes and they are adamant that these are the choices you have and this is what you have to go with. Mr. Douglas asked him what Car Quest would say if he told them that the ZBA requires a different kind of sign. Would they put you out of business? Mr. Fragala said that there is a good possibility that they would pull the franchise. They have been pressuring me to change that sign. He said that he has to buy the signs from them and the cost is \$16,000. John Douglas asked how many people Mr. Fragala employs. Eight total, he said.

John Douglas asked to make a motion to keep the Public Hearing open. Chairman Ross said that he would leave the decision to Mr. Fragala as to whether he would like the Board to vote tonight or continue the Hearing. He explained that as there are only four members present, a unanimous vote would be necessary in order for a motion to be carried. Chairman Ross continued the Public Hearing until 7:15 P.M. on March 12, 2008.

## **ADJOURNMENT**

A motion to adjourn was made by Tim Ross, seconded by Mike Mosher and all were in favor. The meeting was adjourned at 8:45 P.M.

## **FINDINGS AND DECISION**

Appeal #07-13, Jerry Simonetti of Sim-Kno Farms LLC application to display a twenty by twenty foot sign on the side of barn reading “Hudson Valley Fresh – Buy Local”. The law limits the size of the sign to twelve square feet with only the name of the establishment and its principal service or purpose.

### **FINDINGS:**

1. The property is located in the RD3 Zoning District at 7782 Albany Post Road, Red Hook.
2. Tax Map #6273-00-901207.
3. The zoning law requires the size of the sign to be limited to twelve square feet.
4. The applicant wishes to put up a twenty by twenty foot sign, which is considered to be excessive.
5. The problem is self created.
6. There are other avenues for promoting the message on the sign.
7. For the reasons cited above, the sign is considered to be inappropriate.

**DECISION:** Based on the above findings, Timothy Ross made a motion to deny the variance and direct the applicant to remove the sign within ninety days of the filing of the Minutes of this meeting. The motion was seconded by John Douglas and carried by a 4-0 roll call vote.

Dated: March 5, 2008

