

Minutes Zoning Board of Appeals, July 1, 2010

Members present were; Chairman Dan O'Shea, Rudy Kobelia and Linda Riehlman.

Members absent were: Bob Lieber and Kay Vossler.

Town supervisor, James Doring and Boards Attorney, Donald Armstrong were also present.

Chairman O'Shea open meeting at 7:30 PM

## OLD BUSINESS

The Preble Congregational Church sign

Rudy Kobelia felt that the size variance was acceptable and that there was still a question of the lighting . Chairman O'Shea stated that the issues were not mitigated.

Preble Road resident Melissa Sarat stated, that her issue was predominantly the size of the sign and then the lighting. She stated that the majority of the Church was not happy with the sign she spoke with Lee Benson. She asked if they delay vote, may be a smaller sign. Church member Bird Swayze stated no sense in spending more time on the sign if we can't get the lighting changed. Mr. Swayze stated that they turned off the lights for four hours and still got complaints then two hours and they still get complaints.

Melissa Sarat states that the sign is 60% larger than code allows.

Mr. Swayze stated then the little York sign the Kennedy hardwood sign the Currie Road side the cobblestone Valley sign are all out of code and maybe the code should be rewritten.

Church member Bill Coffin stated that there is a 2 ft. difference between the old sign and the new sign, and 90% of the signs in the Town are over 20 ft. The old sign was vertical and the new sign is horizontal, he felt the timing of the lights should go on and off and run parallel with the sunset.

Chairman O'Shea stated let's hope you can leave them on at Christmas.

## RESOLUTION

Rudy Kobelia motion to approve the Preble Congregational Church sign variance and Linda Riehlman seconded the motion.

Findings;

Where as; the effects of this sign is limited and the size of the sign is not significantly larger than the one it has replaced.

Where as; the applicant has agreed to limit the operation of the signs lighting, the sign



Board member, Linda Riehlman, motion to hold a public hearing on the Joseph and Tarki Health area variance on August 5, 2010 and Rudy Kobelia seconded the motion, motion carried.

Vote was;

Rudy Kobelia	AYE
Linda Riehlman	AYE
Dan O'Shea	AYE, With two absent.

OLD BUSINESS - Andrew Kendall

Attorney Chris Kendall and Andrew Kendall came before the Board and stated that the Army Core of Engineers were unable to find maps to that designate wetlands and that the A.C.E. did not designate any of his land as wetlands.

Mr. Kendall would like to subdivide his property and construct new homes on the proposed subdivision. He is seeking a variance from the Board for lack of road frontage. Chairman Dan O'Shea stated the same parcel was denied five or six years ago because of road frontage. ( Mike Hughes, application )

Mr. Kendall stated that the County Health Department has reconfigured the design and if we can satisfy the County health department we would like to continue without upgrading the driveway to a road. There are already six homes down there. It is a 12 acre parcel we would like to construct two family homes that are patio homes and improve the neighborhood.

Board member Rudy Kobelia stated that there will be trouble with financing a home with out road frontage.

Chairman O'Shea stated that the Board denied the Mike Hughes application five years ago because of the road frontage issue. Mr. Chris Kendall stated that anyone purchasing a home down there will know that these are not on a public road., If board is going to say no there is no sense in getting engineer design.

Attorney for the Board, Don Armstrong stated current application is for four parcels, the question is will you withdraw the current application, that is the only thing before the Board. The Board can act on the current application or you can withdraw.

Mr. Armstrong stated even though there is a deeded right of away we have seen circumstances related to right of way which becomes a problem.

Mr. Chris Kendall stated that situation are ready exists today.

Mr. Armstrong stated and now we are adding to it with four more parcels.

Attorney, Chris Kendall recommended to Andrew Kendall to withdraw his application.

RESOLUTION

Motion to approve the June 3, 2010 minutes with changes, By Linda Riehlman and seconded by Rudy Kobelia.

Vote was;

Linda Riehlman        AYE

Chairman O'Shea     AYE

Rudy Kobelia         AYE

with two members absent.

RESOLUTION

Rudy Kobelia motion to adjourn at 8:20 PM and Linda real men seconded the motion.

Vote was;

Rudy Kobelia         AYE

Linda Riehlman       AYE

Chairman O'Shea     AYE

Two Absent.

Meeting closed at 8:20 PM.

Respectfully,

Sharon Cassidy Flint