

**Village of South Blooming Grove
Zoning Board of Appeals
June 8, 2023**

Members Present:

Chaim Goldstein
Sholem Lieberman
Shmaya Spitzer

Members Absent:

Chairman Yehoshua Bittman
Pete Piampiano

Also present: Todd Maurizzio for Al Fusco, Village Engineer; Joel Sterner on behalf of the Village and Tom Shepstone, Planner.

A quorum being present, the meeting was called to order by Acting Chairman Goldstein at 8:00 PM and followed by a pledge to the flag.

Approval of Previous Minutes

Planner Shepstone distributed copies of minutes for the September 1, 2022 meeting, noting this was the last set of older minutes that needed to be prepared and approved. Lieberman moved and Spitzer seconded a motion to approve the minutes. The motion was unanimously carried.

Shepstone also distributed copies of minutes for the May 11, 2023 meeting, noting this was the last set of older minutes that needed to be prepared and approved. Lieberman moved and Spitzer seconded a motion to approve the minutes. The motion was unanimously carried.

577 Route 208 Temporary Sign Variance

Planner Shepstone briefly explained the application, which was for a variance to construct a temporary real estate sign of 8' x 16' or 128 square feet. The maximum size under Village of South Blooming Grove Code §235-56.D(1) is twelve (12) square feet although §235-56.D(4) allows up to forty (40) square feet.

Goldstein moved to open the public hearing on the application scheduled for 8:00 PM. The motion was seconded by Spitzer and unanimously carried.

The applicant explained his rationale for the variance, and questions were asked and answered.

Goldstein moved to close the public hearing at 8:05 PM. The motion was seconded by Spitzer and unanimously carried.

Shepstone recommended variances for temporary signs, in this instance and henceforth, be classified as Type II Actions pursuant to Section 617.5(a) of the New York State Environmental

Quality Review Act. Goldstein moved to accept the recommendation. The motion was seconded by Spitzer and unanimously carried.

Shepstone then proceeded to recommend the variance from a sign area maximum of 12 square feet under §235-56.D(1) to allow a 128 square feet sign be approved subject to review and acceptance by Village Engineer and placement for a maximum of one-year, also subject to renewal by ZBA for a maximum of two additional six month periods. He reviewed the applicable variance criteria, making the following observations:

- (a) **That the variance is not substantial in relation to the requirement and to other factors set forth below.** *While there is great disparity in requested sign size, the location is in a ORI Office Research/Light Industrial District where office and industrial activity is encouraged. It is also on Route 208 where traffic speeds are well above those otherwise anticipated in zoning regulations and visibility and safety demands a much larger sign than 12 square feet, which is only a 3'x4' feet sign. The proposed sign is still only 8'x16' which is relatively small.*
- (b) **That the effect of any increased population density which may thus be produced upon available services and facilities is not significant.** *There is no impact on population density from a sign.*
- (c) **That a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties will not be created.** *Again, this is an ORI District intended for office and industrial development, which includes signs. Uses permitted are of the type that demand prominent signs for purposes of lease-ups.*
- (d) **That the difficulty cannot be alleviated by some method feasible for the applicant to pursue other than a variance or that a lesser variance cannot alleviate the difficulty.** *A 12 square feet sign would not be visible enough and, in fact, would be likely to create a safety issue as vehicles slowed down to read the small print. Only a variance can cure that.*
- (e) **That, in view of the manner in which the difficulty arose and considering all of the above factors, the interests of justice will be served by allowing the variance.** *The Village is growing and needs commercial/office/industrial development to provide jobs and minimize travel to jobs outside the area. Such development must be accompanied by reasonable size signage.*
- (f) **That the variance would not cause adverse aesthetic, environmental or ecological impacts on the property or on surrounding areas and would not harm the general health, safety or welfare.** *An 8'x16' sign will not change the character of an Office Research/Light Industrial District.*
- (g) **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 bulk variance.** *The variance necessary is a function of the unrealistic temporary sign size limit as applied to an Office Research/Light Industrial District and is not created by the applicant. Any applicant proposing to develop ORI permitted uses will likely require similar variances.*

Following this review, the following resolution was moved by Goldstein, seconded by Spitzer and unanimously carried:

RESOLUTION

WHEREAS, the Village of South Blooming Grove Zoning Board of Appeals has received an application from Joel Stauber (a/k/a Exit Realty Venture) submitted for a sign area variance for a temporary sign to be placed on property at 577 Route 208 in the Village, and

WHEREAS, said variance would permit the applicant to construct a temporary real estate sign of 8' x 16' or 128 square feet and the maximum sign area under Village of South Blooming Grove Code §235-56.D(1) is twelve (12) square feet, and

WHEREAS, the requested variance has been determined by the Zoning Board of Appeals to be a Type II Action pursuant to Section 617.5(a) of the New York State Environmental Quality Review Act, and

WHEREAS, the requested variance has been reviewed in detail the against the variance criteria set forth in the Village of South Blooming Grove Zoning Law and found to meet such criteria,

BE IT HEREBY RESOLVED the Village of South Blooming Grove Zoning Board of Appeals hereby approves the requested variance to permit a 128 square feet temporary real estate sign subject to the following conditions:

- (1) The sign location and design shall be subject to review and acceptance by the Village Engineer.
- (2) Placement of the sign shall be limited to a maximum of one-year from the day erected, provided this period may be extended for a maximum of two additional six month periods at the discretion of the Zoning Board of Appeals.

8 Mangin Road Fence Height Variance

Planner Shepstone briefly explained the application, which was for a height variance to construct a fence along a the southern side of portion of Mangin Road. Attorney Susan Shapiro was present on behalf of the Gilroy family that owns the parcel on which the fence would be built. The proposed fence would be eight (8) feet in height as opposed to the Village of South Blooming Grove Code §235-17.C(2) standard of four (4) feet.

Lieberman moved to open the scheduled public hearing on the application. The motion was seconded by Spitzer and unanimously carried.

Attorney Susan Shapiro, representing the applicant, explained the rationale for the variance, questions were asked and a multiple parties indicated support for the variance.

Lieberman moved to close the public hearing at 8:15 PM. The motion was seconded by Spitzer and unanimously carried.

Shepstone recommended variances of fence standards, in this instance and henceforth, be classified as Type II Actions pursuant to Section 617.5(a) of the New York State Environmental Quality Review Act. Spitzer moved to accept the recommendation. The motion was seconded by Lieberman and unanimously carried.

Shepstone then proceeded to recommend the variance from maximum fence height of four feet under §235-17.C(2) to allow an eight feet high sign be approved subject to review and acceptance by Village Engineer. He reviewed the applicable variance criteria, making the following observations:

- (a) **That the variance is not substantial in relation to the requirement and to other factors set forth below.** *A six feet high fence is permitted if Route 208 is considered the front lot line. Therefore, the practical effect of the variance requested in this case is minimal.*
- (b) **That the effect of any increased population density which may thus be produced upon available services and facilities is not significant.** *There is no impact on population density from a fence.*
- (c) **That a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties will not be created.** *Again, this is a commercializing area and the applicant requests the variance for purposes of creating a buffer from this activity. It help preserve the residential character of the applicant's property.*
- (d) **That the difficulty cannot be alleviated by some method feasible for the applicant to pursue other than a variance or that a lesser variance cannot alleviate the difficulty.** *A four or six feet high fence will do little to create an effective buffer but an eight feet high fence will serve to reduce both noise and lighting impacts from traffic and business operations.*
- (e) **That, in view of the manner in which the difficulty arose and considering all of the above factors, the interests of justice will be served by allowing the variance.** *The Village is growing and where commercial and residential activities are both permitted it is important to allow opportunities for effective buffers instances where the activities abut.*
- (f) **That the variance would not cause adverse aesthetic, environmental or ecological impacts on the property or on surrounding areas and would not harm the general health, safety or welfare.** *An eight feet high fence along a portion of one street will not change the character of the property or surrounding areas. It will, in fact, improve the character of the area.*
- (g) **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 bulk variance.** *The difficulty in this case arises from commercial activity that cannot be effectively buffered with a four or six feet high fence.*

Following this review, the following resolution was moved by Goldstein, seconded by Lieberman and unanimously carried:

RESOLUTION

WHEREAS, the Village of South Blooming Grove Zoning Board of Appeals has received an application from Daniel J, John M, & Daniel C Gilroy submitted for a fence height variance for a fence to be placed on property at 8 Mangin Road in the Village, and

WHEREAS, said variance would permit the applicant to construct a fence of eight (8) feet in height and the maximum fence height under Village of South Blooming Grove Code §235-17.C(2) is four (4) feet, and

WHEREAS, the requested variance has been determined by the Zoning Board of Appeals to be a Type II Action pursuant to Section 617.5(a) of the New York State Environmental Quality Review Act, and

WHEREAS, the requested variance has been reviewed in detail the against the variance criteria set forth in the Village of South Blooming Grove Zoning Law and found to meet such criteria,

BE IT HEREBY RESOLVED the Village of South Blooming Grove Zoning Board of Appeals hereby approves the requested variance to permit a eight (8) feet high fence subject to the condition that the fence location and design shall be subject to review and acceptance by the Village Engineer.

Congregation Avodas Yisroel Kosnitz

Michael Morgante, P.E. presented a concept plan and application for a house of worship at 8 Kingsville Drive. The concept was briefly discussed and a motion was made by Goldstein, seconded by Spitzer and unanimously carried to set a public hearing for 8:05b PM on July 13, 2023 on the request for multiple variances (front yard from 45 feet to 12.5 feet, rear yard from 50 feet to 0.4 feet, building height from 35 feet to 41 feet and coverage from 35% to 72.2%).

Adjournment

There being no further business to come before the Board, a motion was made by Goldstein, seconded by Spitzer ann unanimously carried to adjourn the meeting at 8:25 PM.