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**Members Present:**

Mitchell Khosrova, Dep. Chairman  
Robert Leary  
Suzanne Williams  
Kary Jablonka (7:10)  
Adrian Ooms (7:20)  
Tal Rappleyea, Atty.  
Walt Simonsmeier, CEO

**Members Absent:**

David Everett

**Public Present:**

Howard Roman  
Jody Rael  
Sonya delPeral

The August 23, 2007, Zoning Board of Appeals meeting was called to order by Deputy Chairman Mitchell Khosrova at 7:00 PM. The Pledge of Allegiance was recited.

**COLUMBIA FALLS- REQUEST FOR A VARIANCE FOR PLACEMENT OF TEMPORARY BANNERS AT BUSINESS LOCATION ON RT. 295 INFORMATIONAL**

Atty. Sonya delPeral, who is representing the applicant, explained that the reason they are before the Board is due to a meeting held with Atty. Rappleyea, CEO Simonsmeier, and Jesse DeGrootd in response to a miscommunication, and it was decided that coming to the ZBA was the best way to achieve what they wish. They are requesting to be able to have 4 temporary banners at the site of the old Columbia Boxboard. These banners were shown on the maps provided---three are at the front of the site and one will be on a water tower on the site. The applicant contends that these banners are not in contrast to public interest---they are large with a simple message so as not to be a distraction to motorists. These signs are fitting for the property in respect to the linear footage of the land, but they do not meet the maximum sign allowances. The request, therefore, is for a relaxation of the aforementioned provision. Currently, a formulation of the vision for this property is taking place, and more permits will need to be obtained to create this vibrant center for the arts. There was a question as to what KMG, Inc is. Ms. DelPeral explained that it is Kling Magnetic Group, which encompasses lands on both tax parcels that are being impacted. Atty. Rappleyea requested a letter stating that both properties are involved in this request. There was a question as to what the applicant's definition of "temporary" is. It was explained that they wish to have the ability to change the message on the banners, as the need arises. The banners will be permanent---the content may change. The concern is with the size and placement of these banners. Mr. Khosrova reviewed what information may be placed on a sign. He also suggested that this should be considered an area variance, and an exact description will need to be submitted. This request goes along with

Zoning Code 180-32—and what is being described falls under the sign section. Atty. Rappleyea indicated that the NYS law regarding signs on a state road does not apply in this case. Deputy Chairman Khosrova requested that the application to the Board be amended to reflect that this request is an area variance. Suzanne Williams spoke to the size of the letters and the message and the colors used, but was concerned about the cuts in the sign itself to prevent tearing. She feels that with time these may become shabby, and encouraged the applicant to keep the aesthetics for the long term in mind. JP Henkel suggested that the applicant review subsection e2 as far as what can be on the sign in terms of advertising. The Board also agreed that the 4<sup>th</sup> sign---the one for the water tower needs to be focused upon separately. A Public Hearing will be set for next month with the amended application, unless the clerk is advised otherwise by the deadline date of September 13.

**ANTHONY CASHEN-INTERPRETATION REQUEST ON WHAT IS CONSIDERED A FRONT YARD SO THAT A FENCE MAY BE CONSTRUCTED ON PROPERTY CORNERING RT 9 AND RED ROCK ROAD INFORMATIONAL**

Mr. Cashen subdivided this property last year into 8.6 acres which includes the house and the remainder of the property with the intention of selling the parcel with the house. Currently the property is on the market, and because of the increasing traffic on the road, potential buyers are concerned for the safety of children, so Mr. Cashen would like to erect an approximate 200 foot fence 15' back from the road with enough of an opening at the bottom as to not interfere with snow removal. The fence would fall within the code allowance. Bernie Kelleher from the state has seen the proposal and stated that a fence would not interfere at all with the sight view on the road. However, when Mr. Cashen applied for a building permit, CEO Simonsmeier sent him to the ZBA because he wasn't sure whether this is a front yard, which has different specifications for a fence. After much discussion, Suzanne Williams moved that the Board interpret that where the fence is proposed is the side yard, and is excluded from any restrictions. This was seconded by Adrian Ooms. With a vote of 2 in favor (William, Ooms) to 4 nays (Khosrova, Henkel, Jablonka, Leary) the motion was defeated. Mr. Khosrova and some of the other members of the Board were concerned about the possible precedent an interpretation would set, and felt that a better way to proceed would be to require an area variance for this request. A Public Hearing for an area variance will be set for the next meeting.

Robert Leary moved and JP Henkel seconded that the meeting be adjourned. The meeting ended at 8:20 PM.

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Mitchell Khosrova, Deputy Chairman

Respectfully submitted.

Marilyn Cohen, clerk