

**TOWN OF GHENT  
ZONING BOARD  
DRAFT MINUTES  
June 10, 2009**

**THE MEETING WAS CALLED TO ORDER** at 7:05 p.m. by Kyle Wilber, Chairman.

**Chairman Wilber:** This is the continuation of the hearing for Art Omi for the sign that is larger than the Town allows in a rural area. The Board is concerned about setting a precedent with allowing such a large sign.

**Ruth Adams:** NYS small business center and Department of Transportation recommended letter heights to allow reaction time from 8 seconds away, ours is smaller and still think if any smaller it wouldn't be legible at all. NYS sign counsel confirmed simple 2 lane road with viewer reaction time at 8 seconds, sign size recommended is 162 sq feet. Art Omi is requesting a variance for a sign that is only 39.5 sq ft.

Also in compliance with requirements for our LEED certification, Art Omi has left a small strip along the land that borders the road in front of the Visitors Center un-mowed and planted with evergreen trees, offering cover for wildlife and consequently a natural screen from the road so that the building has a lower profile; this makes the building more attractive in a residentially zoned neighborhood but also makes it less visible to drivers.

Character and design is in keeping with character of neighborhood and Town.

Perhaps a high standard could be used in setting a precedent for a sign over the current zoning codes regarding colors, material used and height and proportion of sign to property size.

We are now nonprofit to offer education and think it is possible to explain this exception and to hold this as a new standard.

**Chairman Wilber:** What did DOT say?

**Ruth Adams:** The same as the NYS Small Business Development Center, at 45 miles an hour, the recommended letter height is 13.5 inches to be legible. Art Omi's sign is 6 inches and 3 inches, far below the recommended height.

Discussion was held regarding options of reducing the size of the sign.

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**Member Galvin:** The sign is very esthetically pleasing and fits the character of the neighborhood as it is. Also from the safety standpoint it fits. The fact that the neighbors have not complained shows it fits the character of the neighborhood.

**Member Huston:** Section 2 gives us latitude. We have had a self-imposed 50%, but this situation warrants further consideration.

**Chairman Wilber:** We will close the hearing.

**Member Huston:** Reading the area variance criteria 190-58 for a balancing test between the benefit to the applicant versus any detriment to the neighborhood base upon: (1) Whether any undesirable change would be produced in the character of the neighborhood, (2) If the benefit sought could be achieved by some other method. (3) Whether the requested area variance is substantial. (4) If the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood. (5) Whether or not the difficulty was self-created? It also states the minimum amount deemed necessary to protect the character of the neighborhood can be granted.

After looking at the fact this is a sculpture park, in looking at the pictures, it fits the character pretty good. The colors of the sign blend into the character of the field. I think this is what is needed for the facility with tourists coming to visit.

This is very unique, fits the character because of the uniqueness. It is feasible to make a smaller sign, but I don't think it would be practical as you wouldn't see it. It is a very substantial increase, but because of the uniqueness I think this is the only time I could see granting for this facility. It blends into the character of the neighborhood. It was self-created, but can negate that as there was no public outcry and they came to the ZEO and that is why they are before us.

Would approve the sign as it, but a condition it goes with the educational facility that is currently there (The visitors center, home of the education program, part of the field sculpture park) that is what the sign is for and if the use changes, the sign would need to go.

**Member Galvin:** My criteria is our ability to balance the needs with the zoning law. We have the opportunity to balance to the applicant and the health and safety of the community. The size of the sign for safety of tourists and tour groups to find access to the visitor center. Could it be achieved by other means? There are many solutions but this fits the nature of the sculpture park and education facility. There are five criteria: (1) Whether any undesirable change would be

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produced in the character of the neighborhood? The sign has been up since summer 2008 and there are no known complaints. It does not seem to be viewed as an undesirable change by residents. The request is substantial; need to make sure that the sign follows existing use of property as education sculpture park and visitors center, if those components change, this variance be taken away. There is no physical or adverse effect. Difficulty is self-created. (2) If the benefit sought could be achieved by some other method. (3) Whether the requested area variance is substantial. (4) If the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood. (5) Whether or not the difficulty was self-created?

**Chairman Wilber:** I agree with what was said; it was self-created, and I don't like to approve after the fact. We appreciate the information that was provided and if it had come before, we would have considered a larger sign. It does not seem practical to take it down or change it. Detriment to neighborhood, I don't think there is versus benefit to the applicant. No undesirable change. It is substantial. However, if on 1 acre parcel clearly way over board, but different story on different acreage and you are attracting larger clientele than a small business.

It is natural, fits with character of facility. We asked for info on safety and legibility, and you have provided that.

**Member Galvin:** Made a motion to approve the variance with the condition that the variance follows the current public use.

**Chairman Wilber:** Seconded the motion.

All in favor? Opposed?

Whereupon, the motion passed unanimously.

**Chairman Wilber:** We need to approve the May minutes.

**Member Huston:** Made a motion to approve the May minutes.

**Chairman Wilber:** Seconded the motion.

**Chairman Wilber:** All in favor? Opposed?

Whereupon, the motion passed unanimously.

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Discussion held regarding status of the applications by Coons and Sitser and that fact that the town will be considering zoning changes in the area along Rte 9H.

**Member Huston:** Made a motion to table the applications for Coons and Sitser.

**Member Galvin:** Seconded the motion.

**Chairman Wilber:** All in favor? Opposed?

Whereupon, the motion passed unanimously.

**Chairman Wilber:** Made a motion to adjourn.

**Member Streeter:** Seconded the motion.

**Chairman Wilber:** All in favor? Opposed?

Whereupon, the motion passed unanimously.

Meeting adjourned at 8:20 pm.

Present: Kyle Wilber, Mark Huston, Jim Galvin.