

**Zoning Board Public Hearing
08-18-2021**

Members Present: Chairman Mark Connolly, Scott Hulburt, Amy McMahon, Dustin Geiger, Charity Donnan

Others: Donna Falkner, Kirk Richenberg, Heather Nagel, Heather & Justin Grant

7 pm – Chairman Connolly opened the public hearings for Dublin Brewery.

**Town of York Zoning Board of Appeals
Public Hearing**

On **Wednesday, August 18, 2021**, at 7:00 p.m. at the York Town Hall, the Zoning Board of Appeals will hold a public hearing for an area variance for Dublin Corners Brewery to put up a sign on the building, larger than allowed. All are welcome to attend.

Donna Falkner
Zoning Board of Appeals Clerk
8/3/21

Mr. Connolly asked if there were any comments.

Mrs. Grant explained that they wanted to put up a larger sign on the face of the building facing Rt. 36 so people could see it.

Mr. Grant said it would be a metal sign with LED's backlighting it, above the doors in the peak area.

Mrs. Grant said the people don't see the present sign out front and they want to change that eventually.

Mr. Richenberg said that a 2 ft. x 1 sq. ft. is permitted so you want to go to a 4 ft by 4 ft sign.

Mr. Connolly said a 2x1 would look small.

Mrs. Grant said they may have some grant money to do this metal sign which costs the most, but they want to look at other signage down the road. Backlighting will highlight the letters.

Mr. Richenberg commented that their application needs to be amended to include the lighting on the front sheet of their packet.

Mrs. Grant wrote, dated and initialed the addition of the lighting.

7:15 pm – Mr. Connolly closed the public hearing and opened the Zoning Board of Appeals meeting.

Mr. Connolly stated that he had reviewed both June 16 and 30 minutes and they looked good. If there were no changes then called for a motion to approve both.

Resolution:

Mr. Hulburt moved to approve both June 16 and June 30 minutes, Mrs. Donnan seconded, all in favor, carried.

Aye – 5 Nay – 0

Mr. Connolly commented that an ag district allows 2 sq. ft. and they want a 16 sq. ft sign

Mrs. McMahon questioned the lighting again

Mr. Geiger stated that the light can't shine towards the road.

Chairman Connolly went through the 5 criteria for an area variance and asked for answers from each member.

Criteria for area variance and answers from board

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
Nay - 5
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. Chairman Connolly said the size comes into play. Ag says 12 sq. ft. and this is 3 times that. Mr. Kobylanski said he prefers not to make it smaller – he employs 34 people and has a big investment in the business.
Nay – 5
3. Whether the requested area variance is substantial.
Nay -3 Aye - 2
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The setback is enough and on Rt. 36, not in the center of homes.
Nay - 5
5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
Nay – 5

Chairman Connolly said we consider all of these but they don't have to all be met.

Resolution:

Mr. Geiger moved to approve the larger sign with backlighting for Dublin Corners Brewery, Mrs. Donnan seconded, all in favor, carried.

Aye – 5 Nay – 0

Mr. Connolly said that Mrs. Falkner will mail the Grants their finding, and they left.

The board continued discussion on the zoning.

Mr. Geiger said that every sign needs to be judged the same, 12x12 is not substantial. With Cal-Diesel we used the whole sign including the base, not just the size of the letters. Should say greater than 5%, 10%, etc.

Mrs. Donnan said each case is unique and precedent not set for use variance, is it true for area variance?

Mr. Geiger – we need to have a way to measure.

Mrs. McMahon – if they asked for 12 times the size would it have gone against them if we went with the criteria?

Mr. Geiger – is it substantial for a building or free standing?

Mr. Connolly – its not whole front of building, so going forward maybe we can agree.

Mr. Richenberg – if you look at paragraph 2 under 902, pg 84, Variance Standards.

Mr. Connolly asked if anyone had suggestions.

Mrs. McMahon – in reference to placement we can visualize much smaller percentages.

Mr. Connolly – maybe going forward keep in back of you mind the uniqueness of each. Cal Diesel sign was not out of order for the amount of property there.

Mr. Hulburt – visualize the sign in comparison to area.

Mrs. McMahon – much more area (foundation) for a sign like VersaScape.

Mr. Geiger – asked if the tent sign was still being put out at properties.

Mr. Connolly will ask Mr. Peter.

Resolution:

Mr. Geiger moved to adjourn at 7:40 pm, Mr. Hulburt seconded, all in favor, carried.

Aye – 5 Nay - 0

Respectfully submitted,
Donna K. Falkner