

DOVER ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
MARCH 21, 1996

MEMBERS PRESENT: Dean Trefethen, Chairman, William Colbath, Vice-Chairman, Robert Mullan, Rick Callaghan, John Murphy and David Paolini.

STAFF PRESENT: Thomas Clark, Building Official and Steve Stancel, Planning Director.

Dean Trefethen called the meeting to order.

ITEM #1: NEW BUSINESS

- A. Approval of minutes for the meeting of February 15, 1996.

MOTION:

John Murphy made the motion to accept the minutes of February 15, 1996 meeting.

Bob Mullan seconded the motion.

U/A

Dean Trefethen - Acknowledged receipt of letter from Mary Buese and Alan Greene in regards to their concerns with ZBA case #96-3, Special Exception granted in February of 1996 to Langdon Place of Dover.

Tom Clark - They were not requesting a rehearing but bringing some information to the Board's attention. This will have to go to the Technical Review Committee and the Planning Board who will address these concerns. A copy of this letter will be forwarded to them.

Tom Clark - The City Clerk has requested that, should there be a ZBA meeting in April, we have been requested to hold it in the Auditorium due to the painting work being done in the Council Chambers.

ITEM #2: Old Business

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ITEM #3:

Z 96-4, John & Diane Newick, (Applicant: William Smillie of Barlo Signs), 431 Dover Pt. Rd., a/k/a Assessor's Map 8, Lot 13-A-1, Zoned B-1 requests a variance from the provisions of (1) Article IX, Section 170-32 H(3)(b) to erect a freestanding sign with an area of one-hundred forty-nine and one-half (149.5) sq. ft. where twelve (12) sq. ft. is permitted, and with a height of twenty-three (23) ft. where sixteen (16) ft. in height is permitted; and (2) Article IX, Section 170-32.P to increase a non-conforming sign (current area is eighty (80) sq. ft.).

Bill Colbath stepped down from this case due to a conflict and Bob Mullan sat in.

Glen Joziatis - Representative from Barlo Signs. Glen presented the Board with drawings of the sign. Due to visibility, and location of the building, requests a larger sign. Glen reviewed his application.

John Murphy - Asked (1) if the sign will be illuminated after 9:00 p.m.; (2) can the existing sign be brought closer to the road; (3) can a State sign be put up on the highway designating the exit to take for Newicks.

Scott, Director of Operations for Newicks - (1) The sign will be turned off at 9:00, or as soon as all the patrons have safely left the lot. (2) Did not consider moving sign closer to the road because it is already close to the road. Applying for larger sign. (3) A State sign could not be put up because the exit needs to be within 1/2 mile of the property.

Bob Mullan made the motion to accept the case.
David Paolini seconded the motion.
U/A

PUBLIC HEARING OPENED

Dean Trefethen - Read a letter from Beth Thompson, Economic Development Director recommending approval of the variance for the continued economic well-being of Dover.

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Steve Stancel - The Planning Dept. is in favor of this request. There has been some precedence set due to the past variances granted in this area because of the turnpike.

PUBLIC HEARING CLOSED

Bob Mullan - is concerned with the size of the sign and the others in that area.

John Murphy - Can see the need for a larger sign but is also concerned for others in that area.

The Board discussed the signs in that area and their visibility.

FIVE CRITERIA:

1. It is the Board's conclusion that the applicant does face an unnecessary hardship. (Rick Callaghan voted does not.) The current zoning category is intended for areas with thru traffic, which used to be the case, but with the relocation of the highway, traffic is further from the property and sighting the location of the property is difficult, creating a hardship.
2. It is the Board's conclusion that the variance will deliver substantial justice. It allows an established business to continue and the proposal would allow adequate visibility.
3. It is the Board's conclusion that the variance will be in harmony with the spirit and intent of the zoning ordinance. The spirit and intent of the ordinance for this zone is for adequate signage for a thruway street which this no longer is, so a larger sign is appropriate. It will not disrupt the quality of life for adjoining property.
4. It is the Board's conclusion that, if granted, the variance will not result in a diminution in value of surrounding properties. Other businesses nearby have similar size signs to the proposed and they have not impacted property values.

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5. It is the Board's conclusion that the variance will be of benefit to the public interest. It allows proper visibility for a busy business to help reduce traffic confusion in an already confusing situation.

MOTION:

David Paolini made the motion to grant the variance.
John Murphy seconded the motion.
4 in favor and 1 opposed (Rick Callaghan opposed).

MOTION:

Rick Callaghan made the motion to adjourn.
David Paolini seconded the motion.
U/A