

AGENDA  
TOWN OF LLOYD ZONING BOARD OF APPEALS  
THURSDAY, February 11, 2010

CALL TO ORDER TIME: 7:30pm

PLEDGE OF ALLIGIENCE

ANNOUNCEMENTS: General: no smoking, location of fire exits; room capacity is 49 pursuant to NYS fire/safety regulations, please turn cell phones off or to vibrate

**MINUTES TO BE APPROVED:** November 12, 2009; January 14, 2010

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**Extended Public Hearing**

At request of applicant

**Chodosh, Len and Savage-Brooks, Stacey**

Location: 85 South Street (formerly Ben Franklin School); SBL#87.3-1-24.1 in Ag zone situated on 4 acres

Proposing: SUP for two-family dwelling

Self rep (color-coded GIS map prepared for board's review on prop class code on surrounding area)

SUP for school expires in March, applicant requests that ZBA hold public hearing open until march in case a prospective tenant can be found for the school.

**New Business**

Scheckel Properties LLC

Location: 387 South Street; SBL# 94.2-2-11 in AG zone on .92 +/- acres

Proposing: Area Variance, relief of 18 sq ft for a sign on building (total sign size is 48"x64")

Documents Submitted: Application with appropriate fee.

Short EAF

Color Depiction of sign

Depiction of sign on building

Deed

Copy of survey.

Transmittal from the Building Department

**Request for Interpretation from the Building Department:**

See attached letter.

**Code of the Town of Lloyd**

**Chapter & Section: 100-21.B. Permitted accessory uses**

**Subsection (1) CB Central Business District (b).**

**Which states or requires:**

No more than two signs pertaining to a permitted use conducted on the lot where such signs are displayed, provided that such signs do not face any lot line of any adjoining lot in a residence zone if within 50 feet of said lot. Signs shall not exceed two square feet for each linear foot of building frontage, or a maximum total area of 100 square feet, and shall not project into any street. Freestanding or

1 temporary signs shall not exceed 25 square feet in area and shall not be located in required front yard.  
2 Signs shall be nonmovable and, if lighted, shall be nonflashing and shielded.

3

4 **Reference: Chapter 100-3 Definitions: Signs:**

5 Any device for visual communication, whether movable or permanently fixed, which is used for  
6 the purpose of bringing the subject thereof to the attention of the public. For the purposes of this chapter,  
7 “signs” shall be considered to be structures and shall be subject to all regulations applicable to structures  
8 unless otherwise specifically provided. The word “sign” does not include the flag, pennant or insignia of  
9 any nation, state, town, village or other municipal unit, not any banner of a noncommercial public or  
10 semipublic agency used temporarily in connection with a campaign, drive, movement or event.

11

12 **Request for interpretation by the Code Enforcement Officer:**

13 A clear definition of what constitutes a moving sign, a flashing sign, and a clarification as to the  
14 permissibility of an interiorly lit sign.

15 Background:

16 The Code was written before the use of interiorly lit signs were commonplace. There are now signs that  
17 have LED and LCD components, some which can display images with a clarity unseen before,  
18 performing almost to the quality of high definition television screens. Further, these signs are not static in  
19 nature, but are able to be programs to display, sometimes rapidly, changing messages on their faces.  
20 Some of those messages might be textual only, and some might be more like full motion video. The  
21 definition of what a sign is, especially with new technology, needs clarification. What constitutes a  
22 moving sign? Does the movement of images across a screen, either text or video, act like a moving sign?  
23 If, for example, an LED sign scrolls text, does that constitute either a flashing or moving sign? Does the  
24 intent of the code mean to apply to the distraction of a driver of a motor vehicle, and if so, does a sign that  
25 has a changing or moving message act more to distract a driver than a static sign?

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28

29 Adjourn