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Stuyvesant's flashing sign

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To: Donald Reeb <donreeb@gmail.com>

Don -

Maybe I am being naive, but I think we should give the ZBA a chance to do their job before we hire an attorney. It is difficult for me to believe that they would grant this variance now that we have made it clear that we are watching very closely. But then you never really know what is going in in the background.

I think we should continue to press the board in the lead up to the Feb 1 meeting, and at that point I would hope that it would be clear that an approval will not be accepted without a fight. If they still see fit to grant the variance then we will need to think about legal steps if we want our zoning code to have any force in the future.

According to Jim White, who was able to stick around until the end of the last meeting, it sounds as if Peter Barber made some kind of statement that he felt that the sign did not qualify under the definition of a Billboard in the code. Jim made it sound as if his determination hinged on some question of the land on which it is situated. If Jim's recollection is accurate, I think Peter should be challenged on this because, unlike the definitions for an Advertising structure and an Advertising sign, the definition of a Billboard does *not* depend on the ownership of the land on which it is situated. What makes an advertising sign a Billboard is the fact that it is constructed and maintained by a party other than the one whose goods and services are being advertised. Clearly Stuyvesant is the party that will be building and maintaining this sign, and clearly they will not be using it to advertise themselves as a retail lessor. They will be using it to advertise the goods and services offered by their tenants, and it will be a part of the service package for which Stuyvesant collects their rents. In other words, it is a part of what they are being paid to provide and therefore it *is* a Billboard.

Out of curiosity, do you have any insight as to why Peter Barber seems to be working so hard to get this approved for Stuyvesant?

[Quoted text hidden]
