

**Town of Southeast
Zoning Board of Appeals
Minutes of July 18, 2016**

Timothy Froessel, Chairman	Present
Paul Vink, Vice Chairman	Absent
Kevin Sheil	Present
Roderick Cassidy	Absent
Debra Keiser	Absent
Greg Wunner	Present
Carla Lucchino	Present
Willis Stephens, Jr., Town Attorney	Absent
Victoria Desidero, Secretary	Present
Cathy Chiudina, Assistant Secretary	Present

Work Session:

Regular Session:

Dennis and Kimberly Santucci, 5 Shady Lane – This was a Continued Public Hearing to review a request from the Building Inspector for an interpretation of the Town Code in order to determine how and where to measure the height of a stone garbage pail enclosure; and a Continued Public Hearing to review a request for an Administrative Appeal of the Building Inspector determination, as well as a request for Interpretation of application of Town Code.

Chairman Froessel: Items 1 and 2, Dennis and Kimberly Santucci. Mike (Liguori), I see you're here. We had notified you that unfortunately our resolution did not get prepared in time and we won't be able to vote on it tonight and, with four members, I don't know that you'd want us to anyway. I apologize for that. It wasn't my intention. It was a miscommunication between Town Counsel and myself and when it finally got caught I was in the middle of an arbitration hearing last week that basically took every waking moment of my week and I just didn't have time to walk him through the process. I apologize again but you do have my word that next month there will be a written resolution and there will be a vote.

Mr. Liguori: Okay, thank you.

Frank and Moira Tolan, 35 Vail's Lakeshore Drive – This was a Continued Public Hearing to review an application for an addition to a single family home, which requires the a north side setback variance of 3.76 ft. where 21.24 ft. is proposed and 25 ft. is required; and total side setback variance of 37.87 ft. where 32.13 ft. is proposed and 70 ft. is required.

Ms. Desidero: Frank and Moira Tolan are the couple who were here last month who had to be continued because there was a question about the way the denial letter was written.

Chairman Froessel: That's correct.

Ms. Desidero: And the next day I sent you an email and explained why the letter was written. It was apparently a pre-existing, non-conforming situation and what they are asking for is not affected.

Chairman Froessel: Yes, just for the record, there was some confusion with the Tolan's application last month because there was a missing dimension on their survey. Michael Levine (Building Inspector) cleared that up for us and we now know that the numbers that were in Mike's (Levine's) letter are correct. The Tolans had told us they were unable to attend. We

told them that we would go ahead and vote on the application this month. Given that there are four of us...

Ms. Desidero: Were the four of you here last month? I think so, right?

Chairman Froessel: I think all four of us were, yes. This is a Vail's Grove application. According to Mike's (Levine's) letter they need a variance on the north side setback of 3.76 ft. and a total side setback of 37.87 ft. and if you look on their survey the missing dimension is the northeast corner of their property where the property line kind of jogs in. There is no measurement there and because we didn't have that measurement, we didn't understand the numbers in Mike's (Levine's) letter and now we have that and those numbers are correct.

Ms. Desidero: And also I would just mention, just to refresh your memory, that this is all pre-existing, non-conforming and what they're doing is not actually changing...

Chairman Froessel: Yes, the addition that they're building actually does not impact the variances and the variances are required because of pre-existing, non-conforming setbacks, which is pretty common in Vail's Grove. I'm okay with going ahead and voting on this tonight. I think the application from last month was pretty straightforward and we would have gone ahead and voted on it last month if we had had that one missing piece of information. If everyone else is comfortable we can go ahead and take a vote today. Is there anyone in the audience that has any comments with respect to the Tolán application? Okay, none.

The motion to grant the requested variance of 4 ft. for the north side setback and 38 ft. variance from the total side setback requirement was introduced by Chairman Froessel, seconded by Boardmember Wunner. The Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the variance.
No it's not an undesirable change. It's really just legalizing the pre-existing, non-conforming setback.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
It cannot because the property is pre-existing, non-conforming.
3. Whether the requested variance is substantial.
Arguably it is. However, it's Vail's Grove and by Vail's Grove standards I would say this is pretty much in keeping with the norm there.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
There is no evidence of that.
5. Whether or not the alleged difficulty was self created.
I don't think it is self-created because the property is pre-existing, non-conforming.

Roll Call Vote:

G. Wunner	In Favor
K. Sheil	In Favor
P. Vink	Absent
R. Cassidy	Absent
C. Lucchino	In Favor

D. Keiser Absent
T. Froessel In Favor

The motion to grant the variance as stated in the motion passed by a vote of 4 to 0 with 3 absent.

John Hernandez and Djanila Gahar, 73 Cooledge Drive – Continued Public Hearing to review an application for a proposed front entrance for a single family home, which requires a 15 ft. front yard setback variance where 20 ft. is proposed and 35 ft. is required.

Ms. Desidero: For your next application, Mr. Chairman, they're not here.

Chairman Froessel: Okay.

Ms. Desidero: If you recall, last month they had a problem. They had not done the mailings in time.

Chairman Froessel: Yes, that's right.

Ms. Desidero: And we explained to them that they would need to do them again and we haven't heard from them since.

Chairman Froessel: Okay. We will not be opening this one.

Ms. Desidero: We received nothing from them, correct?

Ms. Chiudina: Correct, nothing.

Chairman Froessel: Put it over one more month and then if we hear from them, we'll put it on and if we don't then they may have to go through the whole process again.

Brewster Subaru, 1021 Route 22 – Public Hearing to review an application for a pre-existing, non-conforming sign in the NB-2 Zone, which requires a 23.5 ft. variance where 1.5 ft. is proposed and 25 ft. is required. Peder Scott of PW Scott Architecture and Engineering was sworn in and the mailings were found to be in order.

Mr. Scott: Good evening. Peder Scott representing the applicant, Brewster Subaru. The mailings are in order I guess?

Chairman Froessel: The mailings are in order but we need County Planning approval and we don't have that yet.

Ms. Desidero: Correct.

Chairman Froessel: We can open the Public Hearing, we can hear from Mr. Scott, but we can't vote.

Mr. Scott: Again, the presentation if I may, very quickly. We started the project, a little background, in 1995. We did a Site Plan which depicted a bunch of various signage and on that Site Plan there was an approval granted for a sign right here at the southwest side of the property. To understand the variance, this is 6, this is Route 22. Subaru is on the east side of the main thoroughfare and Brewster Ford is across the street. We are at the intersection of a very busy intersection. A lot of the traffic will be moving toward the west on 22 south and some minor traffic continues on Old Route 22 going to the east. When the final project was approved, there was a sign that was granted an approval of 15 ft. away from the side yard setback up in this one particular corner and there is other signage that was approved. This was for the Jeep dealership.

Chairman Froessel: Didn't we grant a bunch of sign variances for there about eight or nine years ago?

Mr. Scott: Interesting point. We thought so. We went through all the files and we couldn't find anything in the files.

Chairman Froessel: I could swear, I know, that when they were I think a Jeep dealership, Smith-Cairns, I know we granted these variances.

Boardmember Wunner: They did a renovation just about that time.

Chairman Froessel: Yes, I would say that was about eight or nine years ago.

Mr. Scott: I went through all the files.

Chairman Froessel: Really?

Ms. Scott: We looked at everything.

Ms. Desidero: We pulled every file: Planning, Zoning, and Building Department. Peder (Scott) did complete his due diligence. We cannot find any record that anything was ever approved. We couldn't find it in Minutes. It was before my time, eight to nine years ago.

Chairman Froessel: I know they were before us and I was pretty sure we had granted a variance.

Ms. Desidero: Do you know who the secretary was at the time?

Chairman Froessel: I'm not sure, maybe Mary.

Ms. Desidero: Because there was one period of time for which some of the ZBA files are missing but still, if they received the variances, they should have brought them to the Building Department so they should be in the Building Department file but they're not there either. We even pulled the records from Record Retention. We tried to help them find them but we couldn't find them.

Chairman Froessel: Wow, okay.

Mr. Scott: There is even reference to 'you have to get a permit' but we couldn't find anything on the permit. There are also permitting that took place when they switched over to Subaru, there were signs going on when Subaru was converting over from Jeep but we couldn't find that either. No file. So, what we have is, we have a standard issue where every so often corporate headquarters wants a new sign and the new signs must meet a franchise requirement package. We gave you... In your packages we described a couple things taking place with this sign. It's a pole sign. That's the interpretation of the type of sign that we're looking at here. The old Jeep sign consisted of a massive structure, about 25 ft. tall and at the very top of that structure was the signage that only measured about 3 ft. by 21 ft. but actually that sign was quite tall. In your packages, we gave you a description of what took place in the 1997 permits and we compared them to what we are proposing now. And, in fact, the new proposal by Subaru for the new type of signage, and we're doing these on all sorts of Subarus in the area, the new signage is actually smaller than was existing on the site. In fact, the new sign, instead of being 25 ft. tall is now only 15 ft. tall. In terms of area, the actual total area for this sign meets the Ordinance. I'm referring to the Supplemental Ordinance for Motor Vehicle Dealerships, 138-63.7 (Section referenced is actually 138-63.9). The new sign basically is much smaller, it's more conforming. Instead of being 104 sq. ft. in terms of size, it's 50 sq. ft. In terms of height it's only 15 ft. If this is 25 ft. tall, it's only 15 ft. tall. So, everything looks really good for this sign in terms of getting an approval but there's one problem. If you make the sign smaller and you look at the pictures that we put into the package, we made a composite in the application of what the sign looks like when it's all completed in the position I'm looking for and we want to put the sign closer to the road. Because it's much smaller it has much less visual impact than this big, huge sign up here in space and it's much more concise. But, if you look at the site the topography falls steeply into the property and so there's about an 8 ft. drop between the upper plateau of the roadway, which is the property line edge and the old location of the sign itself. So to make this thing more visible we would to go from 15 ft. away to 1.5 ft. away from the property line. Part of our justification for this is that the right-of-way for Route 6 in this one particular area happens to have about 31 ft. of space between the edge of the driving surface, that is the white line, and that of the property line. It's almost 31 ft.

Chairman Froessel: I remember this being an issue the last time.

Mr. Scott: So we're hoping that we can move that sign closer, make it substantially smaller in scale, and meet the criteria of visibility for my franchise and meet their criteria of acceptance for this particular sign and in the granting of that variance make the sign more conforming but make the location closer to the road. That's the basis of our presentation tonight. That's the variance itself.

Chairman Froessel: In your composite photograph, it looks like under the Subaru portion of the sign it's solid beneath that?

Mr. Scott: It's white, yes.

Chairman Froessel: Is that the intent.

Mr. Scott: It's a white panel, yes. It's going to be a white panel.

Chairman Froessel: Okay. Is there any way you could do it like on posts and leave the bottom sort of opaque just for more visibility?

Ms. Scott: Well, it's what Subaru has come up with for that particular sign. Basically they are requesting that that become an aluminum face at the base there with the white face and the blue background. Again, that's what came from Corporate. That's the signage that's their standard. People talk about car dealerships and they feel that when people drive around the countryside they want them to see the same sign everywhere and so everything else is conforming. That's the only component that we would hope to modify at this time.

Chairman Froessel: And the proposal is that the taller Subaru sign will be removed and replaced with this sign?

Mr. Scott: Yes, we are taking out the taller Subaru sign and taking out every other street light that's on the site. The lights in the parking lot, there are aluminum poles and there are black poles. The aluminum poles haven't worked in 20 years and so we will clean that all up as well. We're removing the old light poles that are not functional. We are basically removing this big sign here as well and that will be the extent of it.

Boardmember Wunner: How about the sign that you have underneath on Route 22, the construction sign?

Mr. Scott: Oh that's just a guy's sign for...

Boardmember Wunner: That went in during the construction or the renovation of the building.

Mr. Scott: Yes it's a construction sign.

Boardmember Wunner: Is that a permitted sign? Because that's right out on the road there.

Mr. Scott: It's probably illegal because it's on the State right-of-way but I think it's been removed by now. I'll check on that.

Boardmember Wunner: I just drove by there today and it was still there.

Mr. Scott: Okay. As a condition we will have that company move their construction sign onto the property.

Boardmember Wunner: That sign is going to stay?

Mr. Scott: No it's just temporary. It just identified the contractor.

Boardmember Wunner: The work is all done on the building right?

Mr. Scott: There's a little bit of stuff in the back that's required.

Chairman Froessel: Just so I understand, it's just the one sign?

Mr. Scott: That's it. And again that June 9th letter, which is in the packet, kind of explains how we are making it only one.

Boardmember Wunner: Is this going to be lighted Peder (Scott), do you know?

Mr. Scott: No.

Boardmember Wunner: It's going to be for daytime only?

Mr. Scott: I think there's just a spotlight on it. I think it's light shining on a spotlight. They're using lighting on it as there are electrical lodes on it.

Boardmember Wunner: Yes, actually Kevin (Sheil) pointed out that's it's on the drawing.

Boardmember Lucchino: The white will probably be reflective, especially with a light on it.

Mr. Scott: It's quite possible yes.

Boardmember Lucchino: It stands out. It stands out pretty vividly in the picture you have.

Mr. Scott: Yes, that's white white. You can see there's a color white on the building, the old Chevy building behind it. You can see how that white does pop. I think that's why their premise is to make the sign smaller to compensate for some of the other issues.

Boardmember Lucchino: So it's really not a pole sign then?

Mr. Scott: Well, by the definition of the Ordinance, it's really technically not attached. The panel comes down almost to the ground but it's not what you would consider a monument sign. It's a pole sign because there's no foundation. It's literally just a pole with this structure floating on the skirt, on the upper portion of the sign itself.

Boardmember Lucchino: So the variance you need is distance from the road?

Mr. Scott: Side yard setback, 25 ft. is required and we're proposing 1.5 ft. so the variance would be for 23.5 ft. from 25 ft.

Chairman Froessel: I think that's all the questions that I have. Does anyone else have any questions? No? Okay. Does anyone in the audience have any questions about this application? No? Okay. We will have to keep you over until next month to vote. We should have County Planning approval by then I would imagine and you may want to be prepared next month to do this again because we have Board members who weren't here.

Mr. Scott: Okay. I don't know if anyone made a site visit but you can drive by if you like. One last thing, the sign height was determined by using a survey rod at exactly the right height sitting in the ground, and when we superimposed the picture that's exactly the height that 15 ft. represents from this location so it's a pure, integrated photograph of what will take place.

Chairman Froessel: Okay. That's taken right from the edge of the pavement, that photograph and if you're in your car you will be much further to the left so the impact of that sign is going to be a little bit less I think.

Mr. Scott: Yes, we didn't feel like taking a picture from the middle of the road there.

Chairman Froessel: I can understand that. Okay, thank you. We will see you next month.

Henry Van Motel, 40 Sodom Road – Public Hearing to review an application for a pre-existing, non-conforming, second freestanding sign where only one is permitted and requires the following variances: 5 ft. variance where 10 ft. is proposed and 15 ft. is required; a 60 sq. ft. variance where 84 sq. ft. is proposed and 24 sq. ft. is required; a height variance of 2 ft. where 12 ft. is proposed and 10 ft. is required.

Lance Lavender of OCS Real Property Services was sworn in and the mailings were found to be in order.

Mr. Lavender: Good evening. I would like to start off with a complaint and that is now that I have to go to other Townships and they don't have a Cathy (Chiudina) and a Victoria (Desidero) there to do what they've done so far, I'm ruined. Thank you so much. Their help has been incredible. It's consistent and I am very, very impressed. I just want to say thank you guys. Can I approach and give you a couple...

Chairman Froessel: Before you approach let me just get you sworn in. I should also let you know that this is another one where we are waiting on County Planning.

Mr. Lavender: I have been made aware of that.

Ms. Chiudina: And we also have the mailings issue with that application with the two...

Chairman Froessel: Yes, there is an issue with the mailings on this application. There are two neighboring properties that apparently there is not a mailing receipt for.

Mr. Lavender: Oh I see I didn't get a receipt for...

Ms. Chiudina: No, that you didn't do the white copy for, didn't send them a letter to that address.

Chairman Froessel: However, those are people who also own other parcels that are within your range so I am going to open the Public Hearing. We can't vote on it anyway because of County Planning but I want to check with Town Counsel just to make sure on the notices that we are okay.

Mr. Lavender: If need be I will certainly be sure it's gets done.

Ms. Desidero: Is it possible that if they need to be sent he can send them before next month?

Chairman Froessel: I don't see why not unless Will (Stephens, Town Counsel) says no. I suspect that the mailings will be okay but I'm just a little bit concerned so we will check with Town Counsel to make sure everything is okay. Hopefully next month we can move forward but you can feel free to approach and give us whatever you have.

Mr. Lavender: I just wanted to give you a couple photos. The Henry Van Worldwide Hospitality Group has not ordered us to change signs so we are just here to, at least I'm here, brought into this quite late in the process, to see if we can get a variance for their sign on Sodom Road. As far as I've been made aware, there was a complaint issued and a letter dated April, actually I'm going to August 13, 2015. I have a second notice. Mind you I have tried to gather as much information as I could from the owner and it's been a little tough but I think we have enough to sort of get us heard if you would. There was a letter dated August 13, 2015, Notice of Violation. It was a second notice and what I wanted to ask the Board if you would: there's a note here that says 'number 3, the sign was not registered by the property owner as required under 138-72.2C' and here's my question to the Board and I know you're not here to educate me on what goes and doesn't go on but is this a condition that owners are made aware of at the time? Meaning, at some point, was the owner of the Henry Van issued a letter or something from the Board stating that this registering of the property would be necessary in order for a grandfathering to take place? I have been trying to get that information and I've asked different people and I haven't gotten a straight answer. I just wanted to find out, was he ever contacted and/or informed that this would be necessary because apparently your change came through in 2012, the new...

Chairman Froessel: No it was earlier than that.

Mr. Lavender: A little earlier? Because I spoke with the gentleman at the ZBA and I thought he had said 2012 was the new Ordinance regarding the signage. When was it adopted?

Ms. Desidero: You mean you spoke to the Building Inspector?

Mr. Lavender: I believe it might have been the Building Inspector.

Chairman Froessel: This particular provision, I'm not sure. My guess is that this was probably in the original enactment back in 2004 when they first passed the Sign Ordinance because it says all businesses opened prior to 2004. I remember there being a requirement and I'm spit-balling a little bit to be honest with you because it was 12 years ago.

Ms. Desidero: I think what Mr. Lavender is referring to what he heard from the Building Inspector is that there was a period... I am not sure if anyone recalls, but when the Sign Code changed recently there was a period that everyone had to come in and grandfather and that period was extended because the first time it happened businesses were not notified but when

it happened recently Tony Hay, who is the current Town Supervisor, sent letters to every business.

Mr. Lavender: And that's the letter that I'm looking for because Mr. Patel does not have it and I have been trying to find it because I was brought into this two days before he was taken to court. I went with him there and met with the Town Attorney who I don't think likes this sign. I'm just going to go out on a limb and say 'I don't think he likes the sign' but anyway he didn't also think we would be able to get in to see you but we have. So I guess my question is: is there any document where I would have seen that the owner was notified?

Chairman Froessel: This Board wouldn't have done it.

Mr. Lavender: Who would have been responsible for that?

Chairman Froessel: My guess is either the Building Department or the Town Board.

Ms. Desidero: My understanding is, and if I recollect, it was a letter from Tony Hay. Actually that would be the only place to ask would be his office. I have never had this question before so...

Mr. Lavender: Now Victoria (Desidero), I'm assuming it would have been certified and there would be a trail.

Ms. Desidero: I can't comment on how it was done.

Mr. Lavender: Okay. So without that, I kind of sifted through everything. So after August 15th my client came in to the Town of Southeast and signed a Sign Permit application but what I found really fascinating about it was on the right side it says received March 21, 2015 but the date of the application is 9/16/15 so what we're really trying to get, before we ask you regarding the possibility of a variance is: if he is in violation due to the fact that he ignored a request from the Town, I guess it would be, I'd like to know that because I think that changes a lot. Why we're here is that Mr. Patel just has been floundering to the point where he ended up being brought to court where I came with him and we have since been able to talk to the secretaries. Now, I have tried to get answers out of Mr. Patel but it's very difficult. He has had lots of people telling him 'you don't have to do anything. The sign was built in 1958. You bought it with the sign there. They can't do anything to you.' So I told him that's not sort of how it works sometimes.

Chairman Froessel: Sometimes you are only grandfathered for a certain period of time.

Mr. Lavender: Meaning he had an opportunity. So, what I'm asking the Board is: is it possible that I could try to find out... He's going to need a variance or else, if it was grandfathered, he wouldn't need to really do anything. Am I correct? If it was granted that it was pre-existing, non-conforming because it was there since 1958. He hasn't done a thing.

Boardmember Lucchino: What did those letters say? If Supervisor Hay issued a letter, don't you think it would be a good idea to get a copy of that?

Mr. Lavender: That's what I'm trying to find.

Boardmember Lucchino: Victoria (Desidero), would the Town Clerk have that?

Ms. Desidero: No, I'm suggesting that I'm thinking that that's what may have happened. This is the first time this question has been raised to me. If Mr. Lavender had asked that question I would have called the Supervisor's office. He would have a record of everyone he sent letters to. I mean I can't be sure that it happened. I can't be sure that this particular person received it. I don't know how they were mailed but I recollect that... Michael Liguori could probably tell you this better than I can but I recollect that when the first time the Sign Code was changed dramatically many people did not come into compliance because they were never notified and so when they re-did the Sign Program, and I can't even say what year it was, but it's since I've been here so a few years ago, Supervisor Hay made a conscious effort to

send letters to everyone who needed to get their signs grandfathered. That's all I recollect at the moment. How he sent them and who got them, I can't say.

Mr. Lavender: And in the absence of, and I've gone through every piece of paper that Mr. Patel had, I've not seen anything. That to me would have been a very important document for me to advise him as to what he would need to do at this point. I feel if he was just ignoring it and didn't care I wouldn't be here. If I felt that's the way it was I wouldn't have offered to help. He was not aware because the first thing I said to him as someone who has been involved in other situations: 'when did you buy the property?' He told me when. 'Did anything happen? Was there anything attached to it about the sign?' He said 'no, I just bought it and the sign was there. It's been there since 1958.' So I said 'why isn't it being grandfathered over?' and he said 'I don't know. That's what I was told, that it should be.' Then I started to...I was able to get a hold of Cathy (Chiudina) and Victoria (Desidero) and they were giving me a sense of why this happened and again with Mr. Patel being brought to court it sounded to me like he was getting sort of to the point where we needed answers. I spoke with Mr. Hernandez and we came to court. I told the judge that we would be putting in an application for a variance but as far as I'm concerned, I think what's most important is if I find out if he in fact and indeed did receive that letter and it was ignored because then he...then this all has to go through a process to see if he can get a variance. If it was not sent to him I would imagine that it should be sent to him again and then he would come forth or we would come forth and say 'yes we'd love...'

Chairman Froessel: That issue you would have to take to the Town Board.

Mr. Lavender: I understand that.

Chairman Froessel: For us, you have an application here for a variance. He has a Building Permit application in.

Mr. Lavender: And that's fair.

Chairman Froessel: I don't have the jurisdiction to tell you...'you know what it didn't work out and take some more time.'

Mr. Lavender: That is fair. I just wanted to make sure, because if he was not alerted to this...and I kept digging and digging. 'They had to tell you because I was told by someone' and I can't remember who he had an opportunity to apply to get it grandfathered. Now who wouldn't do that? Especially with a sign like that.

Boardmember Lucchino: It's this sign, right?

Mr. Lavender: That sign.

Boardmember Lucchino: It's two signs. There's a smaller blue and white.

Mr. Lavender: There's a small blue one on there, which has basically been put up for UPS to know where he is because he has no other designation out there so he had a small blue one put up so people would know the address.

Boardmember Lucchino: It's a pretty rundown sign.

Mr. Lavender: It is. I'm the first to tell you. I thought I was in Lake George when I rode up the road. I saw that someone had complained, whoever, I don't know if we are privy to that. But the sign as it stands right now has served a purpose for the Henry Van and I believe... And I did extensive time up and down Sodom Road, up and down, trying to see who was doing what and there's a lot going on there and I think where the sign is there's a commercial building across the road, which is an engineer and a surveyor if I'm not mistaken. Further down the road if you keep going down there are a couple, I believe they're closed dealerships on the right side? They're just sort of overrun.

Chairman Froessel: The old Chevy dealership.

Mr. Lavender: Old Chevy dealership. That's just there. It's not necessarily what I would call a prized gateway kind of situation.

Chairman Froessel: Well that property probably will be renovated at some point.

Mr. Lavender: Fair enough. Fingers crossed everybody. So I've been going up and the one thing I did notice and I think everyone may be aware of this, is when you get to that Stop sign before you go right to 22, you can see the word Motel. You can kind of see it off in the distance and if you look at the pictures I gave you, the color photos, there are two billboards also right across the street which are probably bigger than this sign in terms of captivating the eye. It's probably more what they actually see when they go up there. The other thing is, when you're driving down Sodom down heading West... South... West, the sign kind of hits you because it's slightly turned and then if you look at my other pictures there, and I made sure I brought you a picture of the winter. If you look down that road, I don't know if you see anyone there... If you see anyone that this would in effect bother. It's somewhat empty until you get to those.

Boardmember Lucchino: I'm not clear on the point you're trying to make?

Mr. Lavender: The point I'm trying to make is, the Building Inspector and the Town Attorney told me that this is a 'horrible eyesore of a sign' and I wasn't sure why he told me that when I met him before and I just wanted to say why... I believe the sign has been rundown and I do believe Mr. Patel will be more than happy to do whatever it takes to a) give it some sort of buffer and beautify and renovate it, whatever the case may be, but at this time to shrink that sign down to 24 ft. from what it is I think, just from a good-will standpoint... Folks who stay at the Henry Van the gimmick is 'oh yeah they've got this huge sign on the road that says Motel.' So that's kind of been one of their hooks and he bought it like that. His inability to, I think, be here on time and/or in effect make sure he has adhered to the new Code, I think it's a combination of several things. I think Mr. Patel has had very, very bad advice from people and they all told him this would go away and the next thing you know he's in court. So I guess what we have to do here based on what you said, we'd like to apply for the variance regardless of what we find. If we do find that he was not informed about the registering the sign for the grandfather clause we will obviously have to go to the Town Board with that and then we will take it to wherever and hopefully we will be able to get a stay and then maybe that will put this to rest. But in the event it's not, the sign is in terrible condition but the sign does serve a purpose for him and where the sign sits there is nothing residential looking at it. I think there is one window of one house way up on the top, but is a commercial building with usually 12 to 15 cars strewn there. It's around the bend. He's got a creek to the other side and I have a survey map if you need to see it, but he has a creek there and that's it. I don't see where he's affecting the residential nature of it and I also think it's been there for almost 60 years and if the Board would see it and say 'look we need it improved,' we have no problem doing that. I even said to him 'I mean look at this sign. It's a mess.' But the sign has traditionally served a purpose for him and when you pay over a million dollars for something any of the goodwill you would want to stay attached and one of the hooks there and like I said, it's like going to Lake George, 'oh it's got the big sign that says the world's greatest, the world's largest kaleidoscope.' People have known that and that's sort of one of the...you know. I know the sign isn't charming at the moment but it's one of the things about that place. His only chance of being seen or any sort of advertisement is basically the little bit that that sign gives him if folks come straight up from (Route) 6 and go straight up Sodom Road but once they come off the highway they will be able to see it so that's why we'd like to see if we could work something out to be able to leave the sign where it is. It's only... I believe at this point we're only, after hearing others, where 15 ft. is required we're 5 ft. off the road and where 24 sq. ft. is permitted we're

at 82.5 and I was wondering if there's a possibility, because there is quite a bit of lattice on the bottom of that, are we talking about from the top to what touches the ground or are we talking about what actually is sign.

Boardmember Lucchino: I think it's to the ground, right?

Chairman Froessel: That was for the height. For the square footage of the sign, I believe it should only be the sign so the white part with the words "motel," not the lattice.

Mr. Lavender: So if you had a sign on two poles this would only be the square footage? Okay so that's another issue we're not going to know if this is actually correct.

Ms. Desidero: I think he's measuring the whole thing Mr. Chairman.

Chairman Froessel: He is? With the lattice?

Ms. Desidero: He's saying it's 84 sq. ft.

Mr. Liguori: You have to look at the definition of a sign. It includes the box so just make sure you look at that definition.

Mr. Lavender: Right, I mean it was just lattice that was put there at the time for decorative...

Boardmember Lucchino: What holds the sign up? Does the lattice hold the sign up?

Mr. Lavender: No the lattice just covers the poles that are in the ground. And the height, the existing sign where 12 or 10 is allowed, and as I said I think moving it down two feet... I've spent a lot of time going up and down that road trying to sort of detect who/why someone would complain about it. I would complain about it in the sense of, if it were to be able to be left there, and I'd like it to be nicer. He has no problem improving it. We would do anything we have to do with landscaping...

Boardmember Lucchino: Why hasn't he improved it before?

Mr. Lavender: Is it an economic thing? I'm not sure. I don't have that answer but I have said to him 'what...'

Boardmember Lucchino: It's peeling. I mean you could argue it's not really readable. It's dated.

Mr. Lavender: Ms. Lucchino, I am absolutely with you and I... First of all, I told him, I said 'I need to find out just what the temperature of this is.' He has every intention... I told him, I said 'we're going to need to do something. I don't think this is going to go away. Even if you grandfathered it, wouldn't you want to...?' I mean the Town of Southeast is beautiful.

Boardmember Lucchino: Well, I think it would help his business if he had a good sign.

Mr. Lavender: Well, I think the sign right now in terms of who sees it... I was gauging on who actually drives up and down Sodom Road. There's a lot of fisherman. And then I took a ride up Brewster Hill Road. There's some pretty homes up there. It's a mixed bag of homes.

Boardmember Lucchino: I live close by it. I run by there all the time.

Mr. Lavender: Right and as I said, and I don't know if that sign aggravated... I think the billboards are there and it's kind of a commercial little spot there. Right across the street is a heavily sort of, I'm not going to say traffic, but it's a heavily parked area. There are usually 12 to 15 cars at the surveyor office and then again, if you look at my pictures during the winter, if you look down toward the dealerships, there's nothing there and there's a stream.

Boardmember Lucchino: I think all residents and all businesses want the Town to look good.

Mr. Lavender: Without a doubt and what I asked Mr. Patel is that 'if we are in a position to talk with the Zoning Board to see if we agree to a) completely refurbish this sign; c) do what we could so that when someone drove by... See what we're hoping to do is keep it there for two reasons: one being it's been sort of a... It's the one advertisement that the place really has in terms of not going through periodicals. It's that big sign. It's sort of been the catch. What I'm asking is: we'd like to be able to leave it so that there is... If someone's coming off and they

said 'well where are you located?' 'Well when you get to the light before you go to 22 just look up ahead and you'll see the word MOTEL.' That's been important to them and to shrink it, move it... He could very easily lose that and I'm talking about its summer now and you can just about make it out. From afar it's kind of cute.

Ms. Desidero: I just want to say as a point of information about how it looks: in order to get a sign permit, which is what this gentleman is seeking for Mr. Patel, he first needs to get his variances because once they know what kind of a sign it is then he will be referred to the Architectural Review Board (ARB) for how the sign looks. Just so you know.

Boardmember Lucchino: So that's the process then.

Ms. Desidero: They will also review it before a permit is issued.

Chairman Froessel: And I don't mean to sound negative about this but you say this is an important thing for your client. It's his main advertisement. That's kind of belied by the condition the sign is in.

Mr. Lavender: As a person who would be looking to stay somewhere, that sign would not stop me from going in there.

Boardmember Lucchino: It would stop me.

Mr. Lavender: It is...You know the old thing about quaint...

Boardmember Lucchino: That's not quaint.

Mr. Lavender: I agree with you, it's a matter of opinion. But, I do say that at this point what he's hoping to not have to do is remove this sign, move it back, lose the distance to the road which is again the only chance people have to see that. He is completely amenable to do... Again, if we needed to go before the Architectural Board he is amenable to working with what's there. He just wants to leave it the size it is because that's about the only way anyone from afar... Because anywhere between where you stop and there, no one coming up there is going to need a motel. If you're looking for it, that's the place you want to be able to see it and it does give a visual. But in terms of refurbishing it, painting it without fail that's something he is absolutely ready to do and hoping to be able to do. Again, once we clear all this up. And it has been a mess with that. I mean when he was taken to court I didn't understand why and then I finally found out what was happening. Yes if you sent out something and it was ignored it's the policy of the Town to say 'well you're now in violation and we'll put you through to the court' but the judge said 'if we got the application in, which we did, he would adjourn it' and this is why we're here and this is what we'd like to do.

Chairman Froessel: How long has your client owned the property?

Mr. Lavender: He's owned it since 2002, I believe, and you know he also owns the Bel Aire.

Boardmember Lucchino: So that sign has been there since at least 2002?

Mr. Lavender: 1958 it's been there.

Boardmember Lucchino: But since your client owned it, the property in 2002, has that sign ever even had a coat of paint?

Mr. Lavender: That I could not answer because I have never asked him. I have told him that upon my inspection of it, 'if you were allowed to keep it where it is I would say you might have a punch list of things that the Board and/or Architectural Review may want done' and he's more than happy to do that.

Boardmember Lucchino: Are you clear on... I'm not sure I'm clear but are you clear on the process that could follow for your client?

Mr. Lavender: Yes I absolutely am but of course as you can imagine what's incredibly important to us is finding out if he was ever contacted formally and officially to have the chance to go in and get grandfathered. Not that that would be okay well great. I have said to him 'if I was part of the Town I would...' I think it's only fair to say to him 'why don't you get that

cleaned up a little bit.' Now I don't think he's hurting anyone in his immediate sort of square, the commercial building and the creek, there's no one down there. But, in effect, people pass by.

Boardmember Lucchino: That sign is offensive to every resident. I mean it's dilapidated. I mean as a resident and a taxpayer, I mean it's not in character with the way we want the Town to look.

Mr. Lavender: I'm glad to hear you say that because I don't know if you folks have ever met Mr. Patel but he's sensible and I just want to say to this Board that I do not think he has tried to ignore the request of the Town. I really don't because when I went into this file and I said 'you need to show me...' He didn't know what I was talking about so I think he got some very bad advice from some people who told him 'it's all B.S. You bought it. They can't do anything.' And he came... In fact, ask Cathy (Chiudina), he came and started filling out an application, right Cathy? And he never followed up.

Ms. Chiudina: Well that I don't know. I have not been here that long.

Mr. Lavender: He came in. He said he sat down to work with someone who helped him fill it out. Maybe Joe Hernandez, I don't know.

Ms. Chiudina: I don't know.

Mr. Lavender: But someone helped him fill it out and it never went anywhere. So I said to him 'what happened here?' I think it was in March of 2016 and I said 'what happened?' And he goes 'I don't know, you know, I give it to them and then they said they didn't...' so he was...

Ms. Desidero: If he had submitted an application to the Zoning Board of Appeals it would have been handled like every other application that comes to us...

Mr. Lavender: That's my point. He started to fill it out. I have it. And then he... It never went anywhere. I said 'why is this here?' He said 'I don't know. You know I filled it and then I had to get all these...' so I think he got a little overwhelmed.

Chairman Froessel: When did he apply for the Building Permit?

Mr. Lavender: Oh boy and, again, his check was cashed on March of 2016. I don't even know if I have...

Chairman Froessel: Well the letter from the Building Department is April 2016 so that makes sense.

Mr. Lavender: Right, right.

Ms. Desidero: So he put in an application for a permit and they wrote a denial letter.

Mr. Lavender: I mean the denial letter is right there, two denial letters: April 16 'property owner wishes to maintain existing sign located on premises.' And it says right here 'in order to proceed with the application you will need to obtain a variance from your Zoning Board of Appeals. Please contact the Planning Board.' And I think it's like a blank from there on in.

Ms. Desidero: But this is what happens with every single pre-existing, non-conforming sign in the Town. If he were to go to sell that property, whether or not he had been grandfathered or whatever, he would have to do that anyway.

Mr. Lavender: I have explained this to him and that's exactly what I explained to him. I said 'you know Mike even if you get grandfathered over, if you were able to sell the property there would probably be a caveat and that is the signage would have to be... You know there is not a grandfather clause at this point so the sign would have to conform and it will be a glitch if he goes to sell but I think his intention is to hold on to it and that's where he is right now. I'm just asking not to think of his approach as ignorance more than just, I think he just, he floundered. He just didn't know what to do. And again, when someone comes to me and says 'oh you know I have a court date coming up.' I said 'what'd you do.' He said 'oh it's about my sign.' I said 'how did it get to this point? How do you get to the point where you're going to court on

this without someone stepping in and telling him, 'This is serious. They're not bringing you into court because they just have nothing better to do. This is serious.' So now we're doing everything we need to do at this point and I'd like to ask the Board if they would just be considerate of the fact that a couple of the holes haven't been filled in yet. But, of course, if we have to go through the process to get the variance, we're ready to do it and getting this sign friendly and I guess that's the word I'd like to use at this point that wouldn't upset you or others when they drive by it and I appreciate your opinion on it because I'm going to tell Mike (Patel). I'm going to say 'Mike...' Because I drove by it and again I'm kind of a guy, I don't... the sign is just... but I told him the sign is a mess. It's corroded. It's got oxidation on the iron. So to answer your question 'why hasn't he done it yet?' I don't know. I don't know if it's economics. I don't know if... I don't know. I'd rather sort of move forward to see what can and can't be done at this point for him.

Chairman Froessel: Right now where you are with this Board is: you're applying for a variance just like every other application that comes in here. As you know we can't vote on it tonight so we will hold it over. It's your prerogative to check up on whatever happened with the letter being sent out or what have you but, in the meantime, we treat it as a variance application.

Mr. Lavender: I understand. If we were to find out that he was never informed of the ability to come in to apply for it to be grandfathered, would that exempt him from needing a variance?

Chairman Froessel: In my opinion, probably not, but...

Mr. Lavender: And why so?

Chairman Froessel: Because the Ordinance doesn't say anything about being notified. It just gives a date by which you have to get your property legalized, which gives me the impression that if the Town did it, they did it as a courtesy. You may have a completely different... and, as an advocate for your client, you probably will have a very different perspective. But for us it's a Zoning application. Whether that letter exists or doesn't exist it's not really going to affect what we do.

Mr. Lavender: Sure, sure. Okay. And if it just comes down to getting a variance and everything else, if he were to come in and offer a plan do you think the Architectural Review would be necessary prior to coming in again?

Ms. Desidero: There's a process for sign permits and the reason it goes to the Zoning Board of Appeals before it goes to the ARB is because when it gets to the Architectural Review Board, they would like to see exactly what it is in terms of its size, where it's located and everything. I mean I've never had anyone submit to the ARB before they got their variances. It could be a wasted application. Well, Michael (Liguori) has. What did they say at the ARB? Go get your variances?

Mr. Liguori: Well, you do it at your own risk.

Ms. Desidero: Okay. You can do it at your own risk to get their opinion.

Mr. Lavender: Will we be scheduled for the next meeting?

Chairman Froessel: Yes.

Ms. Desidero: You will be continued to the next meeting.

Mr. Lavender: I will have a lot to talk about before then. We can continue to communicate with Cathy (Chiudina) and Victoria (Desidero)?

Chairman Froessel: Absolutely.

Mr. Lavender: Okay. Thank you so much for your time.

Brewster Honda Service Center, 950 Route 22 – Public Hearing to review an application that seeks permission to construct three "wall" signs where one is permitted; to erect a freestanding pole sign that is not located on street frontage with vehicular access, which is

required by Code Section 138-75.1.C.1.a. The pole sign would also require a height variance of 50 ft. where 65 ft. is requested and 15 ft. is permitted; a variance of 141.38 sq. ft. where 191.38 sq. ft. is proposed and 50 sq. ft. is permitted; and a variance to be located 12 ft. from the property line where a minimum setback of 25 ft. is required.

Chairman Froessel: The Brewster Honda application, the mailings were not in order and that application can't be opened tonight so that's been moved to August.

JNR Holdings – Nutrishop, 2469-2475 Route 6 – Public Hearing to review an application to allow the applicant to construct a free standing sign (where Town Code only permits either a free standing sign or a wall sign) to be located 5 ft. from the property line where a minimum 15 ft. setback is required. Attorney Michael Liguori appeared before the Board to present the application on behalf of his client.

Mr. Liguori: Good evening members of the Board. I am here before you tonight on an application to have a freestanding sign at 2469 Route 6, which is a piece of property that is improved by the building which is occupied by Nutrishop.

Chairman Froessel: It's next to the bank, right?

Mr. Liguori: Next to the bank.

Chairman Froessel: Between the bank and Southeast Grille House.

Mr. Liguori: Southeast Grille, right. So this particular building is located 47 ft. from the front property line and according to the Zoning Code...This is the property here. This is Route 6. Putnam County Savings Bank is over here. Southeast Grille is over here right next door. Dr. Schleider has a periodontist practice here in the back. There's actually a building in between the two properties but anyway, the Sign Code says that if your building is less than 50 ft. from the front property line then you have a choice between a wall sign or a freestanding sign but not both and we're at the 47 ft. mark so we don't have the ability to have both without a variance from the Zoning Board of Appeals. The pole for the sign that previously existed remains on the property. No one took that down. I have some pictures here to show you exactly where that is.

Boardmember Lucchino: It's this one?

Mr. Liguori: That's the proposed sign and this is the pole that actually is out there and that's where we're looking to put the box sign on top of.

Boardmember Lucchino: So the pole will stay where it is at the same height? It won't change? You're just going to put this on top?

Mr. Liguori: Yes, on top. I went out there and I measured. I don't exactly remember what the height of the pole is but I think we have to chop it down to get it to 15 ft. so that we don't need a height variance on top of the variances that we already need.

Chairman Froessel: You plan to use the existing post that's there?

Mr. Liguori: Exactly.

Boardmember Lucchino: Oh, it's in these pictures that we have too.

Mr. Liguori: Right, that's exactly right. I was just walking around to show you. That's it right there. The reason why I gave the Board the prospective shot heading eastbound on Route 6 is precisely the rationale for why we're asking for a variance. The issue is that... George Restrepo is the owner of Nutrishop. He's a pharmacist. He was the JNR Pharmacy, which was in Brewster Square just a little further down the road. The issue that we have is when cars come from the west heading east, the signage that's on the front of the building that you see here in this picture which is what's called a projecting sign...

Boardmember Lucchino: Which sign? That one on the building right there?

Mr. Liguori: Yes.

Boardmember Lucchino: Yeah, you can't see it.

Mr. Liguori: That's my point. Now, ironically I kind of found a loophole in the Sign Code, which was if you look at that sign, it's not a wall sign because it's angled at least 8 in. and because of it we were able to have two sides so we actually have twice what the Code allows. If it was just a wall sign I'd only be able to have half of that so we took advantage of that provision of the Code. However, when the parking lot fills up at Southeast Grille if you have anything larger than a car and you're heading eastbound you're going to drive right by. We don't have a problem with the other side of the building because on the other side of the building when you're heading from eastbound to west you see the entrance side where there's a wall sign, a nice-size wall sign and that's compliant. Both the signs that are out there are compliant with the Code and that side is the side that has the larger sign so eastbound, heading west there's really no issue. You really can't miss the building. The parking lot opens up and you have a good line of sight. It's just coming in the other direction, that's the issue, so given the location of the building and the fact that it's topographically set back a little bit lower from the parking lot for Southeast Grille. When George and I talked about possibly making an application to make that wall sign bigger, we didn't think we would achieve a bigger net benefit by having a larger wall sign.

Chairman Froessel: Probably not because you're still not going to see it.

Mr. Liguori: Exactly, you're still not going to see it and that's the rationale for coming to the Board for the pole sign. Now, that pole sign requires an additional variance which is due to its existing location. There is a requirement for signage to be set back...There is a 15 ft. front yard setback that's required. It presently exists at the 5 ft. mark so we're looking for a 10 ft. variance and the reason why we are looking for that variance is: we, like many other property owners, kind of suffer from where the actual end of the right-of-way, well the end of where the State owns it's property so if you look at the Site Plan, which I'm pointing to right here, where you see our curbs we're looking at 1 in. equals 20 ft. scale, there's a pretty significant distance between the end of the pavement of Route 6 and the beginning of our property and because of that distance we have this buffer which is where our curb cuts go out and where we have lawn and when we were in front of the Planning Board for the Site Plan approval for the occupancy of Nutrishop, George made these curb improvements as part of the Site Plan, made improvements to the parking lot for purposes of the shared parking that we have with Putnam County Savings Bank and we were able to enter into a Use and Occupancy agreement with the DOT to build those curbs in their right-of-way and quite frankly we would just like to leave the sign there. It's at a good spot. I went and when I took the pictures unfortunately Southeast Grille wasn't busy. I probably should have went at nighttime. If I went at night, I think I would have picked up the cars and I can go back between now and then and obviously because we have a month before... We have time obviously between getting the notice back from the County on the referral so I can go back out there, take a picture of when the parking lot is busy, and it makes sense to leave it where it is because I think if we move it back closer to the building, I'm going to end up in a situation where again anything larger than a car, let's say a pickup truck or a box truck or some other type of vehicle, that box sign is basically going to be sitting at the roof height of where those cars would be as you're driving by and that's why we would like to leave it where it is right now.

Boardmember Lucchino: Was there a sign on top of that pole before?

Mr. Liguori: I'm assuming yes. No, no I'm sorry. There was no sign on the top. As a matter of fact, this picture right here with the proposal shows this right here. This is what was there and it was a hanging sign from the hanger and that's obviously going to come off. Well it's not

there anymore. When our sign guy came here for Nutrishop and took a picture of the pole, the hanger was still there and since then the hanger is not there, so no there wasn't... I don't believe a sign was on top, just one that hung.

Boardmember Lucchino: What color is the sign?

Mr. Liguori: The sign is... These are the exact colors of the sign.

Boardmember Lucchino: What's the background?

Mr. Liguori: The background is going to be black. It's going to be consistent with the wall signs.

Boardmember Lucchino: Okay.

Mr. Liguori: This is actually in... this PMS is an acronym. I forget exactly what it stands for but it is the color chart that is used so these numbers...

Ms. Desidero: Pantone 'something' System (Pantone Matching System)

Mr. Liguori: Yes.

Boardmember Lucchino: Even with decoding it I wouldn't have known all that.

Mr. Liguori: Yeah, I know I didn't know that until I started showing up in front of the ARB regularly. Anyway, these are the precise colors and this is an exact replica of those colors and that's in the application, these color codes. And we do have to... If the variance is granted we do have to go to the Architectural Review Board to get the approval on the design and I believe the pole would also be either covered with a vinyl sleeve or painted black to match the color of the background of the sign so that it's consistent. Aside from that, I don't have anything else to...

Chairman Froessel: So basically if the building was three feet further back from the property line you wouldn't need a variance for a freestanding sign.

Mr. Liguori: Yes, exactly. And I don't know if the Board has any particular comments on that. There were a couple of aspects of the Sign Code that, when it was adopted, I think there were some assumptions that were made that because you were located within 50 ft. that your signage would be enough but the reality is that every building is different. It's not situated...

Chairman Froessel: That is the reality of it. What's the difference if you are 47 ft. or 49 ft. from the road? It's a little of a competitive disadvantage.

Mr. Liguori: It is and if you look at... Here's a perfect example: if you drive by, and I'm just bringing it up because I just saw it and it struck me because I was going to come here tonight on Nutrishop, which is if you look at the Putnam Paws across from the gas station, they have the black sign on the wall. Bailey Santucci's business. Depending if you look at the angle of the building where you are on 6 and where you can actually read that sign, the distance for your line of sight, it's pretty interesting. It's a good example of a building that's close to the road that I think would have been benefited more by a sign that projected as opposed to a flat wall sign and it kind of proves the point that you could be right on the road and be at a point where you have to get close to the building to get the line of sight and it's just because of the angle of the building. If it was angled just a little differently I think, you know they wouldn't have an issue. It just goes to the assumption that because you are 50 ft. or closer, then you don't need anything and I don't think that's really the case.

Chairman Froessel: And that's another circumstance with your client's building, the grade drops down from Southeast Grille which impacts visibility.

Mr. Liguori: Right, right. I mean look if we were up higher mind you, that wall sign is... Those projecting signs are small. They really are. They're small signs and they're calculated based on the width of the building. That's how you get the calculation for the side of the building they are on. So the more face you have the more ability you have for signage. You do have a minimum square footage that's granted to you but you are at a competitive

disadvantage based on the size of the building. So the more building you have the more wall signage you get, which is why the other side of the building has more signage.

Boardmember Lucchino: Can I ask you a question about the dimensions of the sign?

Mr. Liguori: Sure.

Boardmember Lucchino: In this picture here is it 60 in. from here to here?

Mr. Liguori: Yes, that's correct.

Boardmember Lucchino: And the height of the sign: is this 19 ft. 3 in.?

Mr. Liguori: I'm sorry, that's a mistake, it is 19.3 inches. No that would be a billboard.

Boardmember Lucchino: Yes, right. Okay 19.3 inches.

Mr. Liguori: Correct. o I know better than to come in...

Boardmember Lucchino: And the pole would be 11 ft. to the bottom of the sign between the ground and the bottom of the sign? That's correct? Between the bottom of the ground and the sign it says 11 ft.

Mr. Liguori: Yes that would... bear with me here. Let me just go back to the copy of the application, yes.

Boardmember Lucchino: So the sign would be 12 ft. 7.3 in. from bottom to top? Is my math right?

Mr. Liguori: Bear with me, let me check.

Boardmember Lucchino: What's allowed? 15 ft.?

Mr. Liguori: I believe 15 but whatever it is we're not going to exceed the height requirement.

Chairman Froessel: I believe that it is 15.

Mr. Liguori: I brought my Zoning Code but unfortunately my sign insert is not in it.

Ms. Desidero: We have one right here. Do you need it?

Mr. Liguori: No, it's okay. We're just... At the end of the day we're not going to exceed it whatever it is. If it's 15, if it's 12, whatever it is.

Chairman Froessel: You probably already know this Mike (Liguori) but this is another one where we're waiting for County Planning.

Mr. Liguori: Yes.

Chairman Froessel: Okay, I think I've asked all my questions. There's no one in the audience so there are no questions from the audience.

Mr. Liguori: That actually surprises me because when we... So this property is... It's pretty significant in size. It's a little deceptive.

Chairman Froessel: Didn't there used to be cabins down that little road?

Mr. Liguori: Yes George took them down. So I was here in front of the Planning Board for the Site Plan approval and, Tim (Froessel), you may remember there was a prior application to put an addition on this building. This was maybe five years ago.

Chairman Froessel: I do have a vague recollection of that.

Mr. Liguori: So the neighbors came out and complained significantly about stormwater runoff impact to their properties.

Chairman Froessel: Yes, I remember that.

Mr. Liguori: So during the Planning Board process we put what's called a trench drain at the end of this parking lot, which basically is dig a ditch and put in gravel. Then we made some drainage improvements over here. Interestingly, none of which existed...The grade that's out there did not drain into the neighbors. What was happening is that Putnam County Savings Bank doesn't have any drainage. It has two perfect acres of pavement with a pipe that's aimed right at these houses so during that Planning Board process I said to George 'look just do it. Whatever they tell you to do, do it. If you want to get into business it's not that big a deal. It's not very expensive to dig that ditch. You are going to need to make other improvements to the

parking.' So I kind of expected the neighbors to come out screaming because we had one or two that were really angry.

Chairman Froessel: They are going to have a hard time arguing about a sign on that road.

Mr. Liguori: Right. Anyway I was kind of surprised to see so few...

Chairman Froessel: They did come out and they were vehement.

Mr. Liguori: Yes, they were really angry.

Boardmember Lucchino: Can I just ask you, this sign... Is Nutrishop a franchise?

Mr. Liguori: Yes.

Boardmember Lucchino: So this is mandated by Corporate Nutrishop? This type of sign? Similar to what we heard with Subaru?

Mr. Liguori: We have a directive for the colors so we can interchange the colors but we can't deviate from the colors.

Boardmember Lucchino: Because I kind of think it's not in character with that area. I mean I'm going to drive by there and take another look. I took one look but I'll drive by and take another look now that I know the colors and everything. I just think... We want it to be a little more classier. You know that sign on a big black pole is...

Mr. Liguori: Take a look. I think you'll be impressed. The signage is nice. I think it's nicer than the exterior of the building quite frankly.

Boardmember Lucchino: That's another story. Okay, I'll drive by there and take a closer look.

Mr. Liguori: There are very few places that have black signage as a background. I don't know if you find yourself over in Brookfield every once in a while, but when you go to Costco, if you drive past Costco and keep going to the next traffic light you will find an office building that's set back on the left hand side. They have a black sign. It's a monument sign and red letters and some other colors for others. It's very sharp. It pops.

Boardmember Lucchino: But that's a very commercialized area over there. It's not the same as this part of Route 6 I don't think. I mean Costco and all that, I think it's a different character of commercialization than what we see on that portion of Route 6 where Nutrishop is located but I will go by and take another look.

Mr. Liguori: I mean compare it to the Southeast Grille signage and what that's attached to I think it will give you some...

Boardmember Lucchino: Yes, I am going to go back and look again. I looked at the Southeast Grille and I think Houlihan Lawrence is right down the road too, right?

Mr. Liguori: Yes, a little further down but yes.

Boardmember Lucchino: You know they're typically, in my mind, those signs are a little more subtle and they look a little more sophisticated. I mean it's not like big, blaring, in-your-face kind of sign but I will take another look.

Mr. Liguori: Yes, take another look, because I think once you see it I don't think you'll find it to be offensive. If it jumped off the page at me, I would tell the client. I usually try to do a good job of warning the clients before coming in.

Boardmember Lucchino: You wouldn't be here if you didn't think it was...

Mr. Liguori: Yes, if I didn't think it was going to be approvable...

Boardmember Lucchino: I just want to take another look. I mean I want the Town to look as great as it is. I don't want it to look like a dump so...

Mr. Liguori: Yes, I appreciate that.

Boardmember Lucchino: You know it helps all of us. It helps our property values. I mean most people have their full wealth invested in their homes and so you want this place to be great and to look good so other people come and invest and have businesses.

Mr. Liguori: Well if I can dig up some pictures prior to the Site Plan approval and if you see the property the way it was versus today and I'll try to do that between...

Boardmember Lucchino: No, you don't have to go to all that trouble. I don't doubt you at all.

Mr. Liguori: No, I may have it just in my directory but even if you look at what it looks like now, I think you will be very impressed with the amount of money that George has put into the appearance of the place.

Chairman Froessel: The building definitely looks nicer. Everything about it is much nicer looking. That sat naked for a long period of time before he was in there and it was unattractive and the grounds around it were unattractive. I think what he did with the curbs and such; he really improved it a lot.

Mr. Liguori: But take a look and, quite frankly, if we make it passed here we're going to be at the ARB and those comments will get carried right over to the ARB as far as dealing with the colors and what it's going to look like.

Boardmember Lucchino: You got it. I'll take another look. I'm going to go in both directions.

Chairman Froessel: Okay so we will see you next month.

Boardmember Lucchino: Do we want to do a motion to approve last month's Minutes?

Chairman Froessel: We can. We have a quorum. Did everyone have a chance to read the Minutes from June?

The motion to approve the Meeting Minutes of June 13, 2016 was introduced by Chairman Froessel, seconded by Boardmember Wunner and passed 4 to 0 with 3 absent.

Respectfully submitted,
Cathy Chiudina