

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
MARCH 24, 2008

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KATHLEEN LOCEY
FRANCIS BEDETTI, JR.
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

REGULAR_MEETING

MR. KANE: I'd like to call to order the March 24, 2008 meeting of the New Windsor Zoning Board.

PRELIMINARY_MEETINGS:

VAN_LEEUWEN_(08-12)

Mr. Henry Van Leeuwen appeared before the board for this proposal.

MR. KANE: Request for proposed lot #1, 36,311 square foot gross minimum lot area, 4,311 square foot net minimum lot area and 4 foot front yard setback all at 345 Beattie Road.

MR. VAN LEEUWEN: Good evening, ladies and gentlemen, the plans are I want to give this out to one of my daughters, I'm moving across the street and I'm splitting up 345 Beattie Road, one is going to one daughter and the other one is going to the other daughter.

MR. BABCOCK: Mr. Chairman, we have two houses on one lot here which is not with our current zoning or with the zoning, so this would solve the issue of having two houses on one lot.

MR. VAN LEEUWEN: Originally, Mike, it was split but Flip Weyant was the assessor and he says you're better off having in one or having in two it's cheaper so I wiped out the line now I've got to come back and create it again. In those days everything was one acre so--

MR. TORPEY: Is that line exactly back where it was?

MR. VAN LEEUWEN: Exactly where it was.

MR. KANE: Besides the lot line change on this.

MR. VAN LEEUWEN: It might be a foot and a half, foot off.

MR. KANE: Both locations have their own wells?

MR. VAN LEEUWEN: Yes.

MR. KANE: Septic?

MR. VAN LEEUWEN: Everything on their own, septic and everything.

MR. KANE: So really no cutting down of any substantial vegetation, trees?

MR. VAN LEEUWEN: No.

MR. KANE: Creating water hazards or runoffs?

MR. VAN LEEUWEN: Nothing.

MR. KANE: No easements running through the area where the lot line is proposed?

MR. VAN LEEUWEN: No, nothing just a straight lot line.

MR. KRIEGER: Visually it will look just the same as it is now.

MR. VAN LEEUWEN: No, no change, no fence going up cause in the deed I'm going to put no fences, I do that on all my lands.

MR. KANE: I have no further questions at this point. I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Henry Van Leeuwen for requested variances as detailed on the Zoning Board of Appeals agenda dated March 24, 2008.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI AYE

MR. TORPEY AYE

MS. LOCEY AYE

MR. KANE AYE

ED_BIAGINI_(08-13)

MR. KANE: Next is Ed Biagini.

Stephen Reineke, Esq. and Mr. Gerald Zimmerman appeared before the board for this proposal.

MR. REINEKE: Good evening, for the record, my name is Steve Reineke, I'm Mr. Biagini's attorney. With me is Gerald Zimmerman who's prepared the map showing the lots for which the variances are being requested. This property is a leftover parcel from a subdivision which was created sometime ago which basically was a new road with a single lot, single line coming down the middle of the road, and it basically was a subdivision where the lots were created, were smaller than what we're proposing. There are 23 existing lots and of the 23, 17 of them are approximately 20,000 square feet. The smallest lot that we would like to put in here if we're successful in getting the variances is 29,7. There's one lot existing lot that's, 28 approximately 28,2, one at 31,9 and 4 are at 40,000 and the lots that we're proposing are size wise 29,7, 39,2 and 43,4. Essentially what we're taking is the parcel that's in there which originally was going to be a park land but then the town instead took park land fees and this parcel was just left. What we want to do is essentially create lots that are in conformity with the subdivision that kind of match up with the size that's in there. In order to do that we need area variances on all of the lots because the general zoning in that area has been downsized to be 80,000 square foot requirement and most of the lots aside from the area general total area meet the side yard and front and rear yard setbacks. All of them comply with the rear, we have two that do require a lot width under the new zoning but in each case of those two we have 88, 89 percent of what's required under the new zoning. We have one front yard variance which is only two feet out of the, we have, we have four provided, 45 needed, and

one side yard where our total side yard areas total 75 feet but it doesn't meet the 48 requirement. Other than that we can meet the setbacks and again what we're looking to do is to try and create lots that kind of blend in with the general area over there. Prior to acquiring this I guess it becomes sort of a local dumping ground so what he's done is gone in and cleaned up and can start one foundation, they had to put in some drainage work which now parallels the existing town drainage to its point of discharge. I think that's sort of the overview. If the board has any questions we'll certainly try and answer them.

MR. KANE: Is this currently zoned as one lot?

MR. REINEKE: It exists as a single lot, correct.

MR. TORPEY: It's an older development, Mike, and all the lots are set up exactly like this but in the times it went, that was just one big lot, but if you put one house on that lot it would look ridiculous. You know what I'm saying?

MR. KANE: Town water and sewer?

MR. ZIMMERMAN: It's wells and septic.

MR. KANE: For the public hearing, could you please address why it wouldn't be better to possibly go with two lots so it's less of a hit on the existing numbers?

MR. REINEKE: Certainly.

MR. KANE: Especially if we're going to be looking at putting in two more wells, three might be pushing it. I'd like you to address that in the public if you would.

MR. BEDETTI: That foundation that exists is on one of these three lots, is that correct?

MR. REINEKE: That's correct.

MR. KANE: Mike, with proposed lot number 2, you have an easement basically running across the front, how does that work with access to that lot, is that an underground type easement?

MR. BABCOCK: Yeah, it's a pipe, it's underground, just no more than a culvert under your driveway, they would have a right to cross it, you know what I mean, as far as to clean it or whatever, yeah, that's not an issue.

MR. KANE: And also for the public hearing if you could some pictures of the general area and homes that are in that area too.

MR. REINEKE: I didn't state the obvious but it is obvious we would still need to go assuming the variance is granted we still have to show to the planning board that everything works. I apologize for not mentioning that up front.

MR. KANE: No problem.

MR. BEDETTI: Was there an obvious reason for not doing two lots rather than try to squeeze three?

MR. KANE: I asked them to address that.

MR. BEDETTI: But was there a particular reason why that wasn't considered?

MR. REINEKE: Well, they would still be dramatically oversized in comparison to the surrounding properties. Basically, it's surrounded by 20,000 square foot lots and it just it's more land area, you're going to end up with houses sitting on large lots that really don't fit in with what's there.

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MR. KANE: Would be keeping in with the nature of the neighborhood.

MR. REINEKE: Correct.

MR. KANE: That's where the pictures would help us too. Any further questions? I'll accept a motion.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for the Ed Biagini project as requested.

MS. LOCEY: I'll second that.

ROLL CALL

MR. BEDETTI AYE
MR. TORPEY AYE
MS. LOCEY AYE
MR. KANE AYE

SIGN_LANGUAGE_(08-09)

MR. KANE: Sign Language for New Windsor Business Park. Request for 14' 9" width for proposed wall sign at 460 Temple Hill Road.

Mr. Tom Walsh appeared before the board for this proposal.

MR. WALSH: Good evening, my name is Tom Walsh, owner of Sign Language representing New York Life looking to fabricate and install some channel letters onto the new addition that they have on their building. The frontage of the entire building is a little bit over 200 feet. The fascia area from the windows on up to the not soffit but the edge work there is 8 feet so it's a pretty good size fascia area on the building. Channel letters are within height requirements but I think you allow 30 inches by 10 foot and this is 24 inch in visual letters.

MS. LOCEY: Is this sign proposed in addition to the sign already on that building?

MR. WALSH: Well--

MS. LOCEY: There's one there, sign there already.

MR. WALSH: There's one, yes, they'd like it to be but if that's a condition that other one can't be on there then--

MR. KANE: Well, basically that's something that you have to ask, it's not something we would give, so if you're requesting a second sign that needs to be in the public notice, correct Mike?

MR. BABCOCK: That's correct.

MR. WALSH: Is a second sign allowed on the building or

a need a variance for that?

MR. BABCOCK: We need to modify that to say that.

MR. TORPEY: There's going to be two.

MS. LOCEY: He's proposing a second one, he's not going to take the existing one down.

MR. KRIEGER: The answer to your question is no, it's not allowed. Yes, you need a variance for two signs.

MR. WALSH: Basically to expedite I believe they'll take down the existing one.

MR. BABCOCK: I don't know that that's an issue, it's a matter of me modifying my paperwork before the public hearing.

MR. KANE: It's not going to expedite anything, that's why we have a preliminary meetings to cut all those little things out so if that's something that you want to address.

MR. WALSH: Well--

MR. BABCOCK: I think that's the way we understood it, Mr. Chairman, that's why it's written the way it is, that this is going to take the place of the existing sign that's there now.

MR. KRIEGER: My suggestion is that it be amended to allow two signs now and between this time and the public hearing assuming that you're set up for a public hearing you talk to your clients and see rather than committing them one way or the other at this point.

MR. WALSH: They did mention to me that need they'd like to keep that sign as an addition to it.

MR. KRIEGER: That's probably going to be a very difficult thing.

MR. WALSH: If that happens they'll take down the old sign, they would prefer the new sign in place of the old sign but in a perfect world they'd want to have both of them.

MR. KANE: Okay.

MR. BABCOCK: Mr. Chairman, just keep in mind New York Life that's a very large building, they just put an addition on it, if they were a different tenant then they'd be allowed another sign since New York Life takes that entire building so you could visibly see probably four signs on that building if they had it at separate offices.

MR. TORPEY: But saying the same thing.

MR. BABCOCK: No, there could be four different tenants in there and there would be four signs easily so having two signs what I'm saying is having two signs although I understand two signs is a tough thing to ask for but it's a very large building.

MR. WALSH: There are the two entrances as well, one entrance is where the old sign is and then there's another entrance at the other end where the new sign is proposed.

MR. TORPEY: What if you put one on the face and one on the side?

MR. WALSH: On the side you won't see it.

MR. KANE: But they still have the freestanding sign out front.

MR. TORPEY: Get a picture of the whole building with

the signs on them all.

MR. WALSH: It's real small.

MS. LOCEY: If we saw as Pat just said we saw a sketch of the building with both signs versus what we see now we just now see the addition and the proposed sign.

MR. KANE: Just be prepared for the public hearing to address those. Michael, we'll make that correction?

MR. BABCOCK: Yes.

MR. BEDETTI: I'd just like to make a comment, you know, I think the existing signs that you have here is appropriate for that area considering that you're in the historic district and I think it would probably be a good idea for in that entire region for us to try to keep the signage issues fairly contained. I think you have the building as it exists now with the single sign on the facade plus the freestanding sign is appropriate for that area, it's neat to add an additional sign on there in spite of the fact, I mean being that the whole building is under the single occupancy of Life, again, I personally think it's pretty neat the way it is right now.

MR. TORPEY: Well, the sign's so tiny you can't even see it on the building almost.

MS. LOCEY: Well, I don't know if consideration could be given to possibly relocating maybe a bigger sign as you're requesting now but if you take the original sign down and center the new sign is that is the front of the building flush or--

MR. WALSH: The side.

MS. LOCEY: The new portion of the building is it flush with the existing building or is it, does it jut out?

MR. WALSH: What it does is this area will set back into this and that setback there's 50 feet of frontage there set back and then there's another, this is one section set back.

MS. LOCEY: That's what I was trying to remember.

MR. KANE: Okay, so we have enough to set him up for if you're okay with it I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Sign Language for the New Windsor Business Park as detailed in the agenda of the Zoning Board of Appeals meeting dated March 24, 2008.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI AYE
MR. TORPEY AYE
MS. LOCEY AYE
MR. KANE AYE

PUBLIC_HEARINGS:

HENRY_VAN_LEEUWEN

MR. KANE: Request for 25 foot side yard setback for proposed single family home at 340 Beattie Road.

Mr. Henry Van Leeuwen appeared before the board for this proposal.

MR. KANE: Before we start, may I ask if there's anybody in the audience for this particular hearing? Okay, just going to send a sheet back so we can get your name and address for the stenographer. Okay, sir.

MR. VAN LEEUWEN: Good evening again. When we started this house the fella that did the foundation work and the contractor thought we were still under the 10 and 20 feet side yards and I didn't realize it until much later that that wasn't the thing, that's why I need a 25 foot variance. I only have 15 feet from the corner of the house to the property line, I think there's pictures up there.

MR. KANE: Cut down any substantial vegetation and trees in the building of the foundation?

MR. VAN LEEUWEN: No.

MR. KANE: Create water hazards or runoffs?

MR. VAN LEEUWEN: No.

MR. KANE: Any easements running through where the foundation is at this time?

MR. VAN LEEUWEN: No, sir.

MR. KANE: And this was a contractor error?

MR. VAN LEEUWEN: Yes.

MR. KANE: Okay, I'm going to open it up to the public right off the bat, sir, if you have any comments, questions, please come on up and say what you need to.

MR. MC KENNA: Ken McKenna, right next door. I just wanted to know if there's anything in the water? I have a problem with the water, if it's too close to my well--

MR. VAN LEEUWEN: I'm too close to your well?

MR. MC KENNA: I'm asking.

MR. VAN LEEUWEN: No, I wouldn't do that and if you have a water problem I'll see if we can move it.

MR. KANE: His well is in front of the existing structure.

MR. VAN LEEUWEN: Because we're putting the house on the, also on the same well, okay, I'm not putting another well in and the septic system is way off to the, if you're looking at the new house it's way off to the left.

MR. MC KENNA: In the back?

MR. VAN LEEUWEN: No, not in the back, in the front but way down, it's at least 500 feet away from the well, maybe 700, 650, 700 feet.

MR. TORPEY: Do you need to see the plans, how far back he's going to be?

MR. MC KENNA: Yes.

MR. VAN LEEUWEN: If there's any movement on your property I'll take care of that, but we have a big

swampy area in here, the septic system is here, so if your well is over here approximately there, okay. Oh, it's in the back? I thought yours was in the front. This well is 105 feet drawing approximately 30 gallons a minute, I don't know what yours draws.

MR. MC KENNA: Four hundred feet.

MR. VAN LEEUWEN: Somebody drilled passed the waster because the water is within 150 five feet which we, when they drill them with a big drill that's what happens.

MS. LOCEY: But you're going to use the existing well so it should not impact on his water.

MR. VAN LEEUWEN: No because my well sits right about here and there's a pipe that runs from this corner over to here.

MR. MC KENNA: That was my only question.

MR. VAN LEEUWEN: If you want one of the maps I'll give you one.

MR. KANE: Do you have any problem with this application other than that?

MR. MC KENNA: No problem.

MR. KANE: Is there anybody else here for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On the 12th day day of March I mailed out 33 addressed envelopes and had no responses.

MR. KANE: I have no further questions. Kathy, Pat?

MR. TORPEY: No, I'm good.

MR. BEDETTI: I just have one question. Are there going to be any decks or anything around there?

MR. VAN LEEUWEN: No.

MR. BEDETTI: Shorter than 115 feet?

MR. VAN LEEUWEN: No, and the decks would happen, it would be here, it would be to the side and there's no decks going on the house, that's maintenance, I don't want no more maintenance.

MR. KANE: I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the requested variances as requested on the application of Henry Van Leeuwen as detailed on the Zoning Board of Appeals agenda dated March 24, 2008.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI AYE
MR. TORPEY AYE
MS. LOCEY AYE
MR. KANE AYE

DANIEL_SPIES_(08-07)

MR. KANE: Daniel Spies, request for 28 foot side yard setback for proposed addition to single family home at 209 Bethlehem Road. I'll ask if there's anybody in the audience for this particular hearing? Okay, you're on.

Mr. Shawn Sanner appeared before the board for this proposal.

MR. SANNER: They're looking to extend the living room and the bathroom of their existing house, the existing living room is a little bit narrow so they're looking to go out the side of the house, the space between the two houses there isn't any easements or power lines or anything running through there and that's actually they're also looking to extend the deck so that it carries through the look around the side and the front of the house.

MS. LOCEY: So the addition more or less will make that seem symmetrical?

MR. SANNER: Right, the living room is fairly, fairly narrow because the way the staircase is placed in the house so my only assumption is that it was an addition to start off with when the house was originally built and they made it narrow.

MR. KANE: Two story addition?

MR. SANNER: One story addition, it's only extending on the bottom floor, it's going to extend the living room and the downstairs bathroom.

MR. KANE: Cutting down any substantial vegetation or trees in the buildings of the addition?

MR. SANNER: No.

MR. KANE: Creating water hazards or runoffs?

MR. SANNER: No.

MR. KANE: Any easements running through the area where you're planning to put the addition?

MR. SANNER: No.

MR. KANE: And on the other side of your home for the record is the driveway and the garage?

MR. SANNER: Right and the shed.

MR. KANE: The size of the addition?

MR. SANNER: And the kitchen is on that side of the house.

MR. KANE: Will the addition to this home make the home bigger than other homes in the neighborhood?

MR. SANNER: No, not really, it's going to conform with the general geographics of the area.

MR. KANE: And you said this was an addition to the living room?

MR. SANNER: It affects the bathroom as well so right now it's like a half bath that pretty much you turn one way and you turn the other way, it's a very narrow three foot bath.

MR. KANE: Well and septic?

MR. SANNER: Yes.

MR. KANE: At this point, I will open it up to the public, ask once more if there's anybody here for this particular hearing? Seeing as there's not, we'll close

the public portion of the hearing and ask Myra how many mailings we had?

MS. MASON: On the 12th day of March, I mailed out 15 addressed envelopes and had no response.

MR. KANE: Further questions from the board?

MS. LOCEY: No.

MR. TORPEY: No.

MR. BEDETTI: No.

MR. KANE: I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the requested variance on the application of Daniel Spies as detailed on the Zoning Board of Appeals agenda dated March 24, 2008.

MR. BEDETTI: I'll second the motion.

ROLL CALL

MR. BEDETTI AYE
MR. TORPEY AYE
MS. LOCEY AYE
MR. KANE AYE

ERIC_&_MICHELLE_AZOFF_(08-08)

MR. KANE: Request for 1 foot height for proposed 5 foot fence between the building and the street at 1003 Forest Glen.

Mr. Eric Azoff appeared before the board for this proposal.

MR. AZOFF: Again, it's 1002.

MR. KANE: Just like in the preliminary, speak loud enough for this young land to hear you.

MR. AZOFF: You asked for this picture.

MR. KANE: Yes, I did, thank you.

MR. AZOFF: Basically, we're looking to install a fence for the back yard across the, there's a tree line and across the trees just one foot higher than the 4 foot we're allowed.

MR. KANE: And the reason for this?

MR. AZOFF: I've got four children, looking to put a swing set in the back yard, keep the kids in. I've got a dog too that likes to play with them, keeps them all in the yard.

MR. KANE: And as we spoke in the preliminary there's no obstruction to the traffic going down Dean Hill Road?

MR. AZOFF: No.

MR. KANE: Fence not a solid fence, okay. He's brought a picture in also showing the property from the road that I had requested.

MR. AZOFF: Fence won't go to the road, you see the hill, it's on top of the hill.

MR. BEDETTI: That was, is that a chain link fence?

MR. AZOFF: Yeah, it's going to be like one and a half inch, it's for a pool, they say it's a smaller chain so the kids don't get their feet caught in it.

MR. BEDETTI: One of the pictures had the solid wood.

MR. AZOFF: That's the neighbor's fence, it's going to be chain link.

MS. LOCEY: How you high is your neighbor's fence?

MR. AZOFF: It's 6 feet, it's higher than--

MR. BABCOCK: His neighbor's fence is not on a road so he's allowed 6 foot, this gentleman because he's on a corner lot he's only allowed 4 foot.

MS. LOCEY: Okay.

MR. BABCOCK: Typically, that's his side yard and any typical side yard if Dean Hill Road wasn't there he'd be allowed a 6 foot fence but because of the road he's only allowed 4 foot.

MR. KANE: Cutting down trees or substantial vegetation?

MR. AZOFF: Nope.

MR. KANE: Creating water hazards or runoffs?

MR. AZOFF: No.

MR. KANE: Any easements in the area where you want to build the fence?

MR. AZOFF: No.

MR. BEDETTI: I guess the only thing relative to the line of sight and the height of the fence now you're not going to be planting vegetation that's going to block the view?

MR. AZOFF: If I do anything it will be low.

MR. BEDETTI: That's going to go beyond.

MR. KANE: There's the road, it's going to be up on the hill so he's going to be off the road a pretty good distance.

MR. AZOFF: Yeah and it's going to stop at the driveway so there's a good run to the end of the road too, it's not going into the front yard, it's going to stop at the back of the house, I'm not doing the side.

MR. KANE: At this point, I will open it up to the public and ask once again if there's anybody here for this particular hearing? Seeing as there's not we'll close the public portion and ask Myra how many mailings we had.

MS. MASON: On March 12, I mailed out 37 addressed envelopes and had no response.

MR. KANE: Questions from the board?

MR. TORPEY: No.

MR. KANE: I will accept a motion.

MR. TORPEY: I'll make a motion that we grant Eric and Michelle Azoff the request for one foot height for proposed five foot fence between the building and street at 1002 Forest Glen, R-4 zone.

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MS. LOCEY: I'll second that motion.

ROLL CALL

MR. BEDETTI	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

ROTTMEIER_FAMILY_TRUST_(08-04)

MR. KANE: Request for variable sign variances as listed on the agenda. Anybody here for this particular hearing? Okay, we're going to send a sheet out, just put your name and address on it. Sir, okay, you can proceed.

Mr. James McGuinness appeared before the board for this proposal.

MR. MC GUINNESS: My name is Jim McGuinness and this is Joan Rottmeier representing the Rottmeier Family Trust. The issue of these non-conforming signs originally arose when the title company discovered there was no permit on file. The building is existing, has existed for well over 40 years, it accommodates three tenancies which would account for the number of signs involved. The bulk of those signs have existed for almost the entire life of the building. Now we do have the one sign sign number 8 the A frame sign has been eliminated and should not be an issue any longer as far as we're concerned. Sign number 9 the swinging sign we had understood that the tenant there Viking Sportswear was contacting the building department. We have learned today that they have come on some hard times and are not prepared to go to the expense of making that sign permanently affixed eliminating the chain that made it a swinging sign and the trust will take care of that. You have our assurances that that will be done. If you have, if there are any questions the board has we'll be glad to address them.

MR. KANE: Can you tell us for the record which signs are eliminated?

MR. AZOFF: Sign number 8 is the A frame sign.

MS. ROTTMEIER: Illuminated is, number 7 has a light inside, number 7 is lit and let's see which one and

okay number 5 and number 4.

MR. KANE: Are they steady illumination?

MS. ROTTMEIER: Yes.

MR. KANE: No flashing lights?

MS. ROTTMEIER: Right.

MR. KANE: The signs on either side of the building that are the Pork Store signs are they painted on?

MS. ROTTMEIER: Yes.

MR. MC GUINNESS: Yes, they are.

MR. KANE: Do you really need them?

MS. ROTTMEIER: Because of the tree that's in the island that was, it was placed there I think about 15 years ago because of some roadwork that the town had done they placed a tree there before there was a shrub and that obstruction, the vision of the pole sign coming from Newburgh and that's why they have some of the signs on the side of the building and of which the Newburgh Pork Store signs are some of them.

MR. KRIEGER: What numbers are they?

MS. ROTTMEIER: That would be sign number 2 and sign number 6.

MR. KANE: At this point, I'm going to open it up to the public and if you have any questions, any statements?

MR. MC GUINNESS: No.

MR. KANE: Anybody else? We'll close the public

portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On March 12, I mailed out 256 envelopes and had no response.

MR. KANE: My own feeling on it is that I think eventually I'd like to see those, the two painted on signs go away. I think we have enough advertising on there and for that, you know, since it's not a mechanical sign that's on there I think the painting ones, my own personal opinion on that would be to see them go the route of the A frame sign.

MR. TORPEY: The front of the store looks nice, the sides it's too much.

MR. KANE: Just the two big ones and they're painted on so I don't think it's a huge expense to lose those and honestly I think being a lifetime resident I just think it cleans it up fairly nice coming down 32 but that's my opinion. Any other comments?

MS. LOCEY: Well, if I'm reading these pictures correctly you have two signs, one on each side that say Newburgh Pork Store.

MS. ROTTMEIER: Correct.

MS. LOCEY: So sign number 1 and 2 are both Newburgh Pork.

MR. KANE: Sign number 1 is the Mansfield Paint and the, on the left side 2 and 6.

MS LOCEY: And Mansfield Paint is that the same as the Benjamin Moore?

MS. LOCEY: Yes.

MR. KANE: I don't have personally that much of a problem with that, I think the other painted on ones I do.

MR. TORPEY: I have to agree with Mike, I would say the same thing, the signs out front look nice, the two in the front look good, but the sides--

MS. LOCEY: I don't, I have a problem with the Viking sign.

MR. TORPEY: It's down below in the back so you really can't see that too much, it's not that bad.

MR. MC GUINNESS: It identifies the entrance into that there.

MS. ROTTMEIER: Or else you wouldn't even know that existed.

MS. LOCEY: So the signs that we're questioning are numbers 1, 2 and 6?

MR. KANE: No, the signs that we're, I have questions on number 8 is out of the equation as agreed so there will be no A frame sign, number 2 and 6 are the Pork Store signs painted on the side of the building and I would prefer to see them gone.

MS. LOCEY: I don't have a problem.

MR. TORPEY: Does Mansfield Paint need to be on the side? Nothing should be on the sides of the building.

MR. KANE: I don't have a problem with it though they are conceding with some things that--

MR. TORPEY: Where do you see the A frame?

MR. KANE: You don't, it's gone.

MR. MC GUINNESS: Preliminary hearing it was made clear that that sign should go.

MR. BEDETTI: I fully agree on the painted signs, I think they are excessive. The only question I have regarding the swinging sign you said we're going to take care of it?

MR. MC GUINNESS: It should be the tenant's responsibility but we'll take care of that to clear this up.

MR. BEDETTI: You're going to permanently affix it to the building?

MS. ROTTMEIER: No, what we're going to do is take, well, at least that's, this is what I'm thinking and hopefully the inspector will approve of this and that would be a solid metal piece coming from the wall of the building out and attaching itself onto the sign.

MR. BEDETTI: So it's not a swinging sign?

MR. KANE: Exactly, just looking to re-secure it.

MS. ROTTMEIER: Yes, exactly and we'll find a contractor to take care of that. We have worked with the tenant on numerous occasions on this and she doesn't seem to budge so at this point we have to now take the matter in our own hands.

MR. BEDETTI: I think with swinging signs there's a safety issue there also so if that could be taken care of.

MR. KANE: We don't have a problem with that, that's part of the motion that you will be taking care of that.

MR. BEDETTI: I'm assuming we're going to be voting on all of these as one single vote?

MR. KANE: That would be the next question so we can simply vote to agree, if you agree on eliminating the painted pork signs on the side of the building then we can take every sign in one single vote and go that way or we can do them individually.

MS. ROTTMEIER: I know for a fact that my father who put those signs there would not have a problem at all painting over it and making it white. The thing is he doesn't own the store anymore so I'm not sure if I, you know, if I can say definitely that we're going to eliminate the sign. I know I don't have a problem eliminating the sign.

MR. KANE: We're going to say definitely.

MS. ROTTMEIER: If you're going to say definitely then I don't have a problem with that because what I'm going to do is go to the tenant and say we have been mandated to paint over, paint over the sign and we just leave it at that.

MR. KANE: Forgetting number 8 cause that's already been agreed upon we'll take each sign in a single vote, separate votes?

MR. TORPEY: What about the sign next to the Pork Store sign on the wall, Mansfield?

MR. KANE: Each one is going to be separate, I don't have a problem with that one.

MS. LOCEY: Sign number 1 is Mansfield Paint.

MR. TORPEY: Talking about the sides of the building, we're going to make the sides of the building clean, there's two signs on one side of the building.

MR. KANE: Right, that's Mansfield Paint.

MR. TORPEY: They're coming down.

MS. LOCEY: We have to decide, Mike doesn't have a problem with that.

MR. KANE: So let's phrase a motion and then we take each one individually.

MS. LOCEY: And just for the record the motion has to be in the affirmative.

MR. KANE: Motions are always in the affirmative.

MS. LOCEY: Regarding sign number 1 on the application of the Rottmeier Family Trust sign number 1 being the painted Mansfield Paint sign on the side of the building.

MS. ROTTMEIER: Actually, that's not painted.

MS. LOCEY: So just to clarify the sign which says Mansfield Paint on the side of the building I will offer a motion to grant that requested variance.

MR. TORPEY: I'll second it.

ROLL CALL

MR. BEDETTI NO
MR. TORPEY NO
MS. LOCEY NO
MR. KANE AYE

MS. LOCEY: Regarding sign number 2 which is the painted Pork Store sign on the side of the building I will offer a motion to grant the requested variance as presented on the agenda for the Rottmeier Family trust

Newburgh Pork Store.

MR. TORPEY: I'll second it.

ROLL CALL

MR. BEDETTI NO
MR. TORPEY NO
MS. LOCEY NO
MR. KANE NO

MS. LOCEY: Regarding sign number 4 which is one of the signs on the front of the building I will offer a motion to grant the requested variance for sign number 4 on the Rottmeier Family Trust application known as Newburgh Pork Store.

MR. TORPEY: I'll second it.

ROLL CALL

MR. BEDETTI AYE
MR. TORPEY AYE
MS. LOCEY AYE
MR. KANE AYE

MS. LOCEY: Regarding sign number 5 which is the second sign on the front of the building I will offer a motion to grant the requested variance on the application of for Rottmeier Family Trust Newburgh Pork Store again for sign number 5.

MR. BEDETTI: I'll second it.

ROLL CALL

MR. BEDETTI AYE
MR. TORPEY AYE
MS. LOCEY AYE
MR. KANE AYE

MS. LOCEY: Regarding sign number 6 which is the painted sign which says Pork Store on the side of the building I will offer a motion to grant the requested variance on the application of the Rottmeier Family Trust also known as Newburgh Pork Store.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI NO
MR. TORPEY NO
MS. LOCEY NO
MR. KANE NO

MS. LOCEY: Regarding sign number 7 which is the freestanding sign closer to the road I will offer a motion to grant the requested variance on the application of the Rottmeier Family Trust Newburgh Pork Store.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI AYE
MR. TORPEY AYE
MS. LOCEY AYE
MR. KANE AYE

MS. LOCEY: And for the record sign number 8 has already been eliminated and there's no need for any motion on or action on this from this board. Regarding sign number 9 which is the swinging sign on the side of the building which announces the Viking store I will offer a motion to grant the requested variance presented by the Rottmeier Family Trust Newburgh Pork Store building.

MR. KANE: With the understanding that the family is going to secure it so it no longer swings.

MR. TORPEY: Second it.

ROLL CALL

MR. BEDETTI AYE

MR. TORPEY AYE

MS. LOCEY AYE

MR. KANE AYE

MR. MC GUINNESS: We thank you very much.

MR. KANE: Motion to adjourn?

MS. LOCEY: So moved.

MR. TORPEY: Second it.

Respectfully Submitted By:

Frances Roth
Stenographer

