TOWN OF NEW WINDSOR

ZONING BOARD OF APPEALS

APRIL 12, 2010

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
FRANCIS BEDETTI, JR.
JAMES DITTBRENNER
RICHARD HAMEL

ALSO PRESENT: NICOLE JULIAN
ZONING BOARD SECRETARY

ABSENT: PAT TORPEY
LEN MCDONALD

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

REGULAR_MEETING

MR. KANE: I'd like to call to order the regular meeting of the Town of New Windsor Zoning Board of Appeals of April 12, 2010.

APPROVAL_OF_MINUTES_DATED_3/22/10

MR. KANE: Motion to accept the minutes of March 22, 2010 as written.

MR. DITTBRENNER: So moved.

MR. BEDETTI: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

PRELIMINARY MEETINGS:

GARY & JANET VAN VOORHIS, DARRELL GOLDSMITH (10-09)

MR. KANE: Tonight's first preliminary meeting Gary and Janet VanVoorhis and Darrell Goldsmith bulk area variance required. Option one lot width both lots, lot number 1 frontage. Option number two, lot number 2 lot area, lot width both lots, lot number one frontage. Application being forwarded by the planning board in two options. See planning board minutes for discussion. From a planning standpoint, planning board prefers option number two at 54 Steele Road in an R-4 zone. Just state your name and address, who you are, speak loud enough for the young lady over there to hear you. What we do in New Windsor is we hold a preliminary meeting so we can get a general idea of what you want to do, make sure that you have the information that we need available for public hearing. At that point, when we feel like we have everything we'll put you up for a public hearing. By law, everything we do has to be decided in a public hearing so if there's something you're missing, this enables you to get it.

MR. DOCE: My name is Vince Doce, I have an engineering surveying business located at 1613 Route 300 in the Town of Newburgh. I'm here this evening to represent Gary and Janet Van Voorhis and Darrell Goldsmith, the owners of a 1 1/4 acre parcel of property located off of Steele Road which is just off of Route 207 here in the Town of New Windsor and it's a 2 1/4 acre parcel upon which sits an existing house that's occupied by Gary Van Voorhis' son who's Darrell Goldsmith. The VanVoorhis and the Goldsmiths bought this piece of property with the intention of Mr. Goldsmith occupying the existing main house and then Mr. and Mrs. VanVoorhis building a smaller house on a portion of the property to be subdivided when their children had all, were all grown and gone, gone meaning moved out of the

house. Mr. and Mrs. Van Voorhis now have no children living with them any longer, I believe, and they would like to now build this here proposed house. They may have a younger child but they need a smaller house now because their other children are gone. The variance was necessitated by the existing house being oriented to Steele Road but being a flag lot with only 30 foot frontage along Steele Road, that being one of the variances that would be required. The second variance would have been that at the minimum building line which is way up here at 40 feet the width is also only 30 feet and not the 125 feet that would be required. As I said before, the house is oriented to Steele Road, it has 200 feet, 205 foot of frontage at the location where the house is built and there's not really too much they can do about the existing frontage along Steele Road because that's all they own there and both of these parcels on either side are occupied by houses and it would not be possible to get another 95 foot of frontage to make it conforming. We went before the planning board and we met with the town consultant and he agreed that yes, that's the two variances you need and if you made the lot, if we made the lot configured as it is in red and the other lot in yellow no other variances would be required with the possible exception of something unique on lot 2 on the proposed lot 2 since the road line actually goes like that, I think Mark felt to be safe that we might ask for a width variance there even though it has 200 feet along the road because of this jog I think for safety sake he said maybe you should get a variance for that and the lot width and variance there. However, when we went before the board, they understood and I think essentially agreed that the application was in order except they felt that this appendage on this lot was really not serving any purpose for the lot only and was only provided to make the lot conforming area wise. So they suggested that we subdivide along a line like that instead because they thought it was more practical and that it would be in the best interest of Mr. and Mrs.

VanVoorhis, the neighborhood and the town. So we have essentially the same layout as applies to the existing building location which faces Steele Road, the new house which faces the road at that end of the property, the variances would be the same as far as lot width and lot width, lot frontage and lot width at the setback line, the same unusual situation there that for safety sake they suggested we ask for a lot width variance there and a lot frontage variance there. The one difference that occurs of course instead to being a one acre lot here it now becomes an 8/10 of an acre lot necessitating another variance for the lot area. As far as that last issue goes about the 8/10 of an acre lot it's far larger than I'd say 90 percent of the lots in this entire area, most of them are of a less size than the proposed lot 2. Essentially, that's the crux of the variances that we would be asking in one of these two variations and like I say, I believe the board, planning board thought that the second might be the better one to ask for.

MR. KANE: Absolutely makes more sense than doing something that put us in trouble years ago with these weird lots. My first question goes back to the existing house has been there for how many years?

MR. DOCE: I'd say 15 years, a long time.

MR. KANE: And the existing drive that they use up on that upper left side that's always been their entrance to their property?

MR. DOCE: Always been the entrance to the property.

MR. KANE: Are we just cleaning up that entrance? Is that why that needs a variance at this point?

MR. DOCE: Well--

MR. KANE: Just trying to understand why that's

included.

MR. DOCE: Mark says because it's an existing house.

MR. KANE: Pre-existing.

MR. DOCE: Pre-existing house with a pre-existing drive entering on this throat so to speak, he thought that to clean it up it would be better to get a variance.

MR. KANE: That makes sense to clean it up on paper, just wanted to clarify that. Some obvious questions that we'll ask. Cutting down substantial trees and vegetation in the building of the proposed home?

MR. DOCE: No, none really at all.

MR. KANE: Creating water hazards or runoffs in the building of this?

MR. DOCE: No, everything as you can see everything is sloped generally across the property.

MR. KANE: Any easements running through the area where the proposed home is?

MR. DOCE: No, there's no easements there.

MR. KANE: Like I said, even though we're supposed to go for the minimum amount of variances that are necessary to do that you want I think it makes more sense to do the additional variance than have more, and have a more standard lot looking rather than a square figure eight.

MR. DOCE: Right.

MR. KANE: Further questions from the board?

MR. BEDETTI: No.

MR. HAMEL: I see there a property well on lot number 2 on the--

MR. DOCE: No, that's where the proposed well is.

MR. DITTBRENNER: Where is it on the existing?

MR. DOCE: It's here, right here where my finger is to the southwest corner of the existing house.

MR. HAMEL: They're going to share the well then?

MR. DOCE: No, well here and well here.

MR. HAMEL: I'm sorry, okay.

MR. DITTBRENNER: Mr. Chairman, just a question, do we need to clean up the variance required for that driveway at the same time because that's right on the property line?

MR. KANE: Yeah, I mean, it's been in existence for 15 years so technically it's pre-existing, non-conforming so yeah, I would think cleaning that up and getting it on record properly is what we've done in the 18 years I've been here. Usually when something comes in and it's a pre-existing thing they go through the formality and at least get it on record and that's the way it was, it was pre-existing so yeah, I think we should address it, just clean up everything that's on the lot, put it all on record.

MR. DITTBRENNER: So I think that that should be modified by the time you get to public hearing to include the request for that variance. Should we move it forward including that request?

MR. KANE: So if we're looking at option number 2, we have the minimum lot area, okay, and then you have the

minimum lot width, which is 41, that's for that section right there so that's already included and then we have required frontage is 40. Is that what we're talking about on, that's for that?

MR. DOCE: Yeah, one is the frontage along the road and one is the width at the building setback line.

MR. KANE: What about the frontage on the, didn't you want to add the frontage on the red lot?

MR. DOCE: Mark suggested it's up to the board, he said even though you have the, from across the lot if I can, if that cockamamie thing right there was like that then there'd be no question that would be the width he says but since it's got that jog he says why don't you clean it up so nobody can come back in the future.

MR. KANE: I tend to agree while it's here, it's there, let's do it so let's add that in too, we'll need to have that added in for the mailings.

MS. JULIAN: How much is that?

MR. DOCE: The lot width here actually if you called it along here is 85 feet and it should be 125 or if you call it there it's 87 feet and it should be 125 added together they're 170 feet.

MR. KANE: Let's do it where the existing driveway actually goes through, not existing proposed driveway, actually goes through, let's use that right there and we'll use those numbers.

MS. JULIAN: So 87?

MR. KANE: Yes, 87 and so it would be 38.

MS. JULIAN: You need a variance for 38?

MR. KANE: Yeah.

MS. JULIAN: Okay.

MR. KANE: Yeah, I think it's just safer to clean that up. Further questions from the board?

MR. BEDETTI: I just have a question relative to what's going to go out to the public, going to go out to the public with option 2?

MR. KANE: That's my feeling right now.

MR. BEDETTI: I was at the planning board meeting when they presented that and certainly it all made sense.

MR. KANE: How do you guys feel? To me it just made sense.

MR. DITTBRENNER: Option 2.

MR. BEDETTI: Option 2 I would think I would concur with the planning board.

MR. KANE: Rich, option 2?

MR. HAMEL: Yes, option 2.

MR. KANE: Option 2 it is. No further questions from me. Any further questions? I'll accept a motion.

MR. DITTBRENNER: Mr. Chairman, I would move that we forward the application of Darrell Goldsmith and Gary VanVoorhis, 54 Steele Road forward for a public hearing as requested for variances that relate and are defined in option 2, further defined as a variance for a minimum lot area on lot two, minimum lot width on both lot 1 and 2 and required frontage variance on both lots 1 and 2.

MR. BEDETTI: Second it.

ROLL CALL

MR. DITTBRENNER AYE
MR. BEDETTI AYE
MR. HAMEL AYE
MR. KANE AYE

MS. JULIAN: This is your next step. I'll call you with how many envelopes I need probably middle of this week.

MR. DOCE: Okay, thank you very much.

NEW_WINDSOR_SENIOR_HOUSING_(10-10)

MR. KANE: Next is New Windsor Senior Housing referred from the planning board. Bulk variance to increase unit count from 91 units to 93 units. No request has been made for off-street parking, applicant indicates that two additional parking spaces will be provided to address the additional two units at Senior Court in an R-4 zone.

MR. DITTBRENNER: Publicly I served as an executive officer of the applicant so I will recuse myself from this decision. Actually, I'll just stand over here.

(Whereupon, Mr. Dittbrenner stepped down from the board for this proposal.)

MR. KANE: Hi, same thing, tell us exactly who you are, speak loud enough for the young lady over there to hear you.

MR. EWALD: Good evening, Travis Ewald from Pietrzak and Pfau Engineering and Surveying, 262 Blanche Avenue here for the New Windsor Senior Housing project, it's section 65, block 2, lot 29, it's off of New York State Route 94. We're here to reaffirm the unit density for the project which was previously received a variance for 25 units per acre in 2008. I believe the density is based on the net lot area of 3.7 acres and we're looking to confirm what the total allowable lot density would be. It's my interpretation that based on 3.7 acres net lot area and 25 units per acre that would give us 92.5 units which would be rounded up to 93.

MR. DITTBRENNER: If I can just jump in to make it real simple, I mean, this project has already been built out, it's already fully occupied, as a result of the previously granted variances we had been referred back simply for a reconfirmation on those variances, again 25 units per acre at 3.71 is basically 93 units. We

had previously built 91 and in beginning the process found that there was such a significant need for affordable senior housing and I'll give you some exact numbers, 323 applications were received for 91 units. The way the building, the first building was designed was similar in shape, structure and square footage, however, what we had done in the first building was we left for bulk storage space on the second and third floor with the overwhelming response that we had and the need for this type of housing, we decided we can turn the second and third floor storage units which are over the laundry room and electrical storage area into identical units as throughout the rest of the building. So we have come back requesting the formal approval of those and we believe it does conform with the existing variances. But the planning board wanted to refer it over for reconfirmation. The number of parking spaces we have been granted a variance for 66, with the addition of these two units, we're going to provide two additional spaces, when we striped the parking lot actually did 68 instead of the 66 that we were required to and then additionally, because there have been some questions about sufficient parking for the complex we have negotiated with RAL Plumbing Supply, I'll submit this letter, you should have it in the package, I dropped a copy but I didn't see it in the package, RAL Plumbing Supply building is directly in front of us and immediately off to the left-hand side of our entranceway they have 15 spaces in the rear of their building which are just bulk, they never use them, their employees actually park against the back of the building and Charlie Malich one of the owners of RAL has been kind enough to say absolutely, we would be willing to provide without any remuneration or encumbrances use of the 15 spaces. We actually went in with our striping company and restriped the back of their parking lot so the spaces are clearly identifiable so we'll have more than sufficient overflow parking as well.

MR. KANE: I have no problem as far as I'm concerned the math is the math, it works and it comes out to 92.5 to 93, I don't see an issue but again, go ahead, Frank.

MR. BEDETTI: They have a variance already on the books to provide how many units including the 93?

MR. DITTBRENNER: Well, you know, it's funny because the way the formal decision is written is clearly 25 units per acre but equals 91 because at the time that was, what the application was for was to build out 91 units in these two buildings. Now, if you take 25 times the 3.71, you get to 92.5 which is rounded up to the 93. So the planning board basically said if it didn't have that equals 91 attached to it we'd be able to say you're fully in compliance with the existing variance but because it said equals 91 and I actually went back and reviewed the minutes from the meeting I don't see anyplace in the motion or the approval that it ever said not to exceed 91 or for a total of 91 units.

MR. KANE: Any other questions?

MR. HAMEL: Yes. The parking spaces, the other 15 parking spaces, whose land is it on?

MR. DITTBRENNER: It's actually on RAL Plumbing.

MR. HAMEL: What happens if they sell the property?

MR. DITTBRENNER: Well, the realty company that that building sits on is actually owned by Charlie Malich, he's one of two partners, he's the one providing us with that. And again, it's really just overflow parking. Give some other statistics, we were required to have 66, we actually striped 68, we're already giving you two additional spots for those two units that we're building out. The other statistic that's important to understand this is senior affordable

housing, not everybody drives, not everybody has a car. We currently have 68 spaces and we have 61 vehicles and two buildings are fully occupied.

MR. KANE: Honestly, the parking that's going on RAL doesn't fall under anything that we're looking at tonight. It doesn't, planning board issues or whatever, it has nothing to do, the two spaces they were looking for required from 66 to 68 they have already made that adjustment by the striping of it, so it takes care of the two spaces they would have needed for the two units taking it from 91 to 93.

MR. DITTBRENNER: I'll add more fodder to the fire, the fire department who's directly behind our building was incredibly gracious and the Vails Gate Fire Department very helpful through this whole project, we have been talking with them about actually paving for an additional probably 15 spaces on their property and creating an access road over to their parking lot. Now I'm not saying that's absolutely going to happen but it's been in conversation, it provides them with a quick route of easement through our property to get over to 32 so they don't have to go all the way around if there's something happening let's say at the Shop Rite complex, they'll be able to cut through our property by doing that so there may be additional parking space that's paved and striped with that relationship as well.

MR. BEDETTI: You said you were required to have 66 that's with a variance I'm assuming?

MR. DITTBRENNER: Correct.

MR. BEDETTI: Because the code is one per.

MR. DITTBRENNER: But a variance had been granted for 66.

MR. BEDETTI: So you have a variance for the density and you already have a variance for parking?

MR. DITTBRENNER: Correct.

MR. BEDETTI: Okay, just wondering.

MR. KANE: This is actually just to verify that the math does equal 93 and not 91.

MR. BEDETTI: And the other one is I'm assuming that that space that was put aside for storage that you're now going to be using for apartments was not a requirement in the code?

MR. DITTBRENNER: Not at all.

MR. BEDETTI: Okay.

MR. KANE: Okay, again, it has to be done in a public hearing so I'll accept a motion to set these gentlemen up for a public hearing.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for the New Windsor Senior Housing project for two additional units from 91 to 93 units and two additional parking spaces at Senior Court in an R-4 zone.

MR. HAMEL: Second it.

ROLL CALL

MR. DITTBRENNER	ABSTAIN
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

PUBLIC_HEARINGS:

ANTHONY_BECKER_(SKIN_CITY_TATTOO)_(10-07)

MR. KANE: Public hearings, Anthony Becker, Skin City Tattoo. Mr. Becker won't be here this evening so we'll be passing him by.

JAMES_REYNOLDS_(10-08)

MR. KANE: Next is James Reynolds Price Chopper request for a variance for proposed 3 foot 6 inch by 37 foot 6 3/4 inch wall sign will exceed maximum permitted length of 10 feet at 115 Temple Hill Road in a C zone.

MR. REYNOLDS: Good evening everybody. Just to refresh everyone's memory, we had originally applied for a 42 inch high letter that I think was 37 foot 6 or thereabouts in length and at the board's request, we have submitted a reduced sign that's 36 inches high and/or we actually submitted a couple different options, 36 inches high and 32 feet long or second option would be roughly 7 feet high not to exceed 7 feet in height and 18 foot 4 inches roughly in length. Everybody is familiar with Price Chopper Plaza at this point, this is the Price Chopper building here and the new space which is the photograph here, this is a photomontage representation of a 36 inch high linear arrangement on the existing canopy roof approximately located here. Normal canopy height is 10 feet and the Dollar Tree is 69 feet, this is a second option that Dollar Tree would be happy with if there's a stacked arrangement.

MR. KANE: All three signs have the same type of illumination?

MR. REYNOLDS: There's only one sign.

MR. KANE: Just one sign.

MR. REYNOLDS: Just one sign on the principal facade.

MR. KANE: You have three different proposals, the original proposal which is still on the table because that's what's out to the public, the original and you kick it down to a 32 foot long from a 37 foot long just going by width right now and this one is the 18 foot

but it's word on top of word so it's much higher but same illumination in all three signs internally, non-flashing?

MR. REYNOLDS: That's correct.

MR. KANE: Questions?

MR. BEDETTI: I have a question on the linear sign, not the original proposal but one of the proposals you have here you said they're 36 inch letter height?

MR. REYNOLDS: Correct.

MR. BEDETTI: Are the stacked sign or the letter heights also 36?

MR. REYNOLDS: It would be the same size letters just arranging them in a different configuration.

MR. BEDETTI: Wasn't clear to me whether they were going to be the same size because I think one of the proposals had like a 42 inch letter so the linear most current option there or option I'll call it number two, number one being the one that was originally submitted, number two is the linear one that's 36 inch letter height and then the stacked height they're also 36 inches high letters but they're stacked. So now you've got a larger height.

MR. REYNOLDS: Right, that's correct and that's top to bottom maximum on the sign, doesn't include, it includes the space between them.

MR. KANE: Right, New Windsor always does that, they box it out.

MR. BEDETTI: Now, the only other question I had was not being a real shopper, I really don't know what Dollar Tree is, is that like another Dollar Store?

MR. REYNOLDS: Yes, short answer is yes.

MR. BEDETTI: I guess there's a competitor that's a couple stores away from you that's Dollar Store also.

MR. REYNOLDS: There's a, my understanding is that the competitor, the one that's there now will no longer be operating at the plaza, that was part of the lease agreement with Dollar Tree.

MR. BEDETTI: Cause I was concerned with the fact that he looks like he has a conforming sign up there and that if, you know, you were going in there, we were gonna, there would be some sort of an unfair advantage, perceived unfair advantage.

MR. REYNOLDS: Right, Dollar Tree's the new tenant, is very specific and very kind of territorial about not having competing similar retail stores in the same plaza.

MR. BEDETTI: Mr. Chairman, how are we going to be handling three options here in our consideration?

MR. KANE: Well--

MR. BEDETTI: Now I'm assuming that the last two have not been forwarded as part of a public.

MR. KANE: Doesn't have to be, only the maximum number has to be there, it's like any other meeting, you can come to an agreement on a smaller number than what was there at that particular meeting and that's fine, as long as you can't go over what you posted but you can go under.

MR. BEDETTI: Well, the height would be, you know, the stacked height would be greater than the original one.

MR. KANE: The stacked height one, well, that's for us to decide which one we want to look at, actually have a vote on, the stacked one actually seems like it looks smaller but when you look at the total square footage the 32 foot long one is substantially smaller as far as square footage that comes out to 96.1 square feet on the 32 foot long one where the stacked one comes out to 127.62 feet and the original sign was 131.5.

MR. BEDETTI: That was one of the, one of the reasons why I asked about the size of the letters. I think the stacked one, the numbers that you're giving is if you were to draw a box, I mean the actual sign size is going to be area of the letters then that's basically going to be the same, as long as the letters are the same whether they're linear or whether they're stacked you would say well, I'm going to draw a box around that now the square area's different.

MR. KANE: I say that because I've been trained by the New Windsor Building Department over the last 18 years, that's just the way they square everything out, they just go like this, there's no cut-ins, there's no, they just square out so, I mean, my first inclination is actually the stacked one.

MR. BEDETTI: That's my first inclination also.

MR. KANE: Gentlemen, what about it, guys?

MR. DITTBRENNER: Your inclination is what?

MR. KANE: The stacked.

MR. DITTBRENNER: Help me understand why the stacked works better.

MR. KANE: Honestly just visually it just seems, I don't know, I might be wrong but visually looking at the photo it seems to be less of an impact than the

other one. I could be wrong, it's just a visual thing, like I said, the other one takes up less square footage but it looks smaller even though it's not, maybe I need new glasses.

MR. BEDETTI: I agree.

MR. REYNOLDS: That's the same size letter in the different configuration.

MR. KANE: I think it comes across as being smaller even though it's the same size technically letter for letter.

MR. HAMEL: I would think the side by side would be more visible than the stacked myself.

MR. KANE: From the roadway which is the idea of this they're a decent distance off the road. I can go either way so cause they're basically the same size just visual appearance.

MR. REYNOLDS: Well, certainly open to the board's perspective and if the board could support this either one Dollar Tree said they can live with. Personally being an architect I'm hazarding an opinion here but the mansard roof and the canopy is a long linear element and in some senses visually I think the linear sign seems to fit that a little bit better rather than a more vertical one.

MR. KANE: Understood, makes sense.

MR. DITTBRENNER: If I can, I've dabbled a little bit in signage, when you've got the stacked, unless there's a significant space between the stacking from this type of distance they're 456 feet off the road front all you're going to see is a green blob. Where if you run it in a linear fashion you're at least going to be able to read the lettering. So from a marketing standpoint,

signage, marketing standpoint I would tend to support that. The other thing to keep in mind is you're not asking for any variance in the height of the sign, just the length of the sign, the other one you're looking at both.

MR. KANE: True. Well, that's major cause we're supposed to keep it to the minimum amount of variances that we could, so that's adding an additional variance then we don't want to go there.

MR. BEDETTI: I didn't catch his last comment, the end of the last comment.

MR. KANE: Basically, he feels that if it's linear going straight that when you're driving by on 94 you've got a better chance of actually reading that sign than the one on top of the other.

MR. DITTBRENNER: Also the stacked, Frank, my other point was you're requiring two variances as opposed to one.

MR. BEDETTI: Okay, that was the part of your comment that I didn't hear. How much frontage does the store actually occupy?

MR. REYNOLDS: On the width here it's 69 feet.

MR. BEDETTI: So you're within.

MR. REYNOLDS: Certainly.

MR. KANE: If you look at the top on the picture Frank it says 69 with a white line going right across, that will give you a good idea of the width of the store.

MR. REYNOLDS: Basically between my fingers basically.

MR. BEDETTI: I see.

MR. KANE: Well, we need to make a decision on which sign we want to go with. I'm going to change my feeling and go with the least variance and what Mr. Dittbrenner says makes sense as far as the visual from the road so option number three we'll call it is the one I would look at.

MR. DITTBRENNER: I would agree.

MR. BEDETTI: I will agree with the, I originally preferred the stacked but I can understand minimizing the number of variances that we need.

MR. KANE: That's something we need to definitely look at.

MR. BEDETTI: As long as the letters are the same size you're not going to--

MR. KANE: No, 36 inches, that's it.

MR. REYNOLDS: That's correct, we have submitted the detail speaking of the sign--

MS. JULIAN: It's in the packet.

MR. REYNOLDS: --with the mounting and specific parameters for those letters.

MR. KANE: Let me take care of a little business. At this point, I'll open it up to the public, ask if anybody's here for this particular hearing? Seeing as there's nobody in the audience, we'll bring it back to Nicole, ask how many mailings we had.

MS. JULIAN: On the 29th day of March, 2010, I mailed out 40 addressed envelopes with no written response.

MR. KANE: Public portion is closed, bring it back to

the board. We have already covered illumination, non-flashing, any further questions from the board? I'll accept a motion.

MR. DITTBRENNER: Mr. Chairman, I would move that we approve the application on behalf of James Reynolds as architect for the variance for sign for Dollar Tree which exceeds the 10 foot maximum width by 22 feet 1/4 inch.

MR. BEDETTI: I'll second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

JAMES_REYNOLDS_(09-39)_PRICE_CHOPPER

MR. KANE: Next is James Reynolds Price Chopper request for a variance for proposed freestanding signs that will exceed maximum size of 64 square foot and maximum number of freestanding signs permitted at 115 Temple Hill Road.

MR. REYNOLDS: So same site, this is our proposed monument sign, pylon sign, originally was a monument. We have elevated it and created a space at vehicular level so that there's greater visual transparency through the sign. Our proposal is for two new monument signs located here and here, this is Route 300 and Route 94 with the Dunkin Donuts and Indian restaurant here. They're, as we discussed at the last meeting, they're in excess of 300 feet apart and there's I guess this provision in the zoning code to review applications for more than one sign if they're more than 300 feet apart. There is of course I think the bearing issue was with respect to an existing Advanced Auto pylon sign which is located at this second area Route 94 entrance here and we have no new news on that with respect to basically Advanced Auto still would like to retain their right to keep that and recognize that that seems to be the significant issue for us. I would only reiterate that certainly the owner would be prepared to agree to remove that sign in the event that Advanced Auto changes their, well either no longer becomes a tenant of the plaza let's say. Additionally, we presented last meeting to make some upgrades aesthetically to the landscaping to create a landscaped island and to increase the I'll say visual substantive nature of the support. Right now, it's on a steel pole like a popsicle stick and we would make an earnest effort to try to improve that visual.

MR. KANE: I think you're right, I think that sign has been a sticking point, I think the signs that you're proposing actually do a lot for that particular

location. That sign is part of their lease, correct?

MR. REYNOLDS: That's correct and to the best of my understanding, they obtained a variance for that.

MR. KANE: They did.

MR. REYNOLDS: For both their building signage as well as the freestanding sign.

MR. KANE: And the owner is amiable to that if they ever moved out of the plaza that that sign would come down?

MR. REYNOLDS: They said that yes.

MR. KANE: This is a re-visit so there's no need to open the public portion of the meeting. Comments guys?

MR. BEDETTI: I have to disagree with one of the statements that the Advanced Auto sign was the only sign that was in question, I think there's potentially two other ones, one for Allstate that's on--

MR. KANE: That was coming down, that wasn't a question.

MR. BEDETTI: That sign was there, it still is there.

MR. KANE: It will come down as part of it that particular freestanding sign would.

MR. REYNOLDS: That's correct, I didn't reiterate that this evening.

MR. BEDETTI: That was not clear to me.

MR. KANE: It was to me, that's definitely coming down.

MR. REYNOLDS: Absolutely.

MR. KANE: I think it's in the minutes and the HSBC.

MR. BEDETTI: There's another sign.

MR. KANE: Right, HSBC, we had talked about the HSBC sign with the bank, okay, right there on that side but the Allstate sign definitely is coming down, there's no issue, the issue is with the Advanced Auto Parts on the other side.

MR. HAMEL: What's the height from the ground to the bottom of the sign?

MR. REYNOLDS: Four feet.

MR. HAMEL: You have four foot plus the height of the wall.

MR. REYNOLDS: That's about approximately 18 inches.

MR. HAMEL: So 5 1/2 feet opening?

MR. REYNOLDS: Correct.

MR. DITTBRENNER: Can we come back, I'm not sure that Mr. Bedetti's question was answered. If it was, I didn't hear. There's five signs, existing signs, three existing signs and the addition of two new monument signs which one is coming down?

MR. REYNOLDS: That's correct, maybe I can try to make that point that out here, this is the bank location here, right, this is Price Chopper, this is Advanced Auto, this is Route 300, there's an existing Allstate pylon sign, it's, I think it's if memory serves me it's 4 by 6 feet high probably 16, 20 feet in the air. It's quite high, it's above the tree canopy that's here, the that landlord has agreed to take that down as part of this variance application. There's an existing

monument sign here for the bank HSBC and that's also a monument sign, it's a smaller sign, it's physically located let's say adjacent on the same island as the bank. I don't know if I can hazard a guesstimate on the size, I want to say it's 5 x 7 roughly for the size of that sign, this is a proposed new landscaped island where, which we would like to demark as a principal ingress egress for Route 300 with a proposed monument sign here and here, this is four, this is the, I will say the second principal entrance and we would want to do the same thing here with a curbed and landscaped island. This portion of the sign would be internally illuminated. This is the existing location of the Advanced Auto sign and that is the one that the landlord has gotten, hasn't been able to find an accommodation to have that removed at least in the short term.

MR. BEDETTI: And HSBC sign is staying?

MR. REYNOLDS: Well, as part of the discussion thus far it would be staying. It's my understanding that I guess on either the first meeting or as part of that first round of reviews that the real objection I think was the Advanced Auto just because of the nature.

MR. KANE: And Allstate sign the sticking point is the Advanced Auto but they don't want to give it up, we didn't have a problem with the HSBC sign. It's small right on the island with the bank, it's not out in the street so--

MR. BEDETTI: Now, are we saying that there's an existing variance for the Advanced Auto sign?

MR. KANE: That's correct. Basically it comes down to the way I see it is there's two options we can put it up for vote and depending on how you see it with the Advanced Auto signs you can just turn it down outright and everything stays the way it is or we can make a

vote with an option that the Advanced Auto sign is removed at the end of their current lease and taken away at that point but also as the planning board wanted reinforced with some kind of protection from cars hitting it, some kind of barrier around it cause it's right out in the open now so those are the two options that I see in front of us.

MR. DITTBRENNER: I mean Mr. Reynolds may not be in a position to speak on behalf of the owner but I would like to see it memorialized in this presentation that based on assertions previously that they would be willing to take that down in the event Auto Zone vacates.

MR. KANE: Exactly what I was saying.

MR. REYNOLDS: I would try to draw the distinction in the language between completion of the lease or vacating the premises.

MR. KANE: Vacating the premises.

MR. REYNOLDS: I have spoke to that point and I'd be happy to make this, if the board is so disposed be happy to make this a conditional issue that we can substantiate that in whatever method the board needed just to as a signed, sealed agreement, if it's a letter of understanding from the owner.

MR. KANE: What do you think?

MR. BEDETTI: Just wanted to comment, it wasn't Auto Zone, Auto Zone's across the street.

MR. KANE: It's Advanced Auto.

MR. REYNOLDS: Did I say Auto Zone?

MR. BEDETTI: You don't want them coming up here

complaining about us. Again, just a comment as I did the last time I like the new signs at the entrances, that's the way I think the town should be going on these types of complexes but my own sticking point were those other signs to be removed.

MR. KANE: Well, I think--

MR. BEDETTI: And I think it should be written that we should write it in that one's coming down and one can come down at the termination of the business or whatever the lease.

MR. KANE: I would say that we, the proposal would be that we approve the request for the additional freestanding signs with the understanding that the Allstate sign is removed immediately before construction and that the Advanced Auto sign when the tenant leaves the premises that sign comes down, it's not replaceable by anything and also that the safety issues around that sign are taken care of.

MR. REYNOLDS: With respect to curb and landscaping.

MR. KANE: Yes, so it's if I remember correctly the planning board had an issue where cars could just back into that and that sign is going down. So I think that's, we need to handle that right here if that's one way of going. That's the way I see it right now. I think it's the only way personally I think it's the only way to do it. I think the signs are great for that plaza. I think they help make Five Corners start to look better just look Shop Rite Plaza is starting to look better with their signage in there. So I, my own opinion on this I'd like to see the sign come down right away, I don't want to be stubborn and hold back new progress on making it look good for the sake of that one sign when we can put an end point to it.

MR. DITTBRENNER: I agree.

MR. KANE: Accept a motion.

MR. DITTBRENNER: Mr. Chairman, I make a motion that we approve the application for Price Chopper presented by James Reynolds as relates to a variance for maximum size of 24 square feet and in addition to that for the number of freestanding signs on the property for a maximum of four. And I would covenant in this proposal or this approval request that there be a letter of understanding submitted to the Town of New Windsor Planning Department that memorializes the commitment presented here, that a vacancy of Advanced Auto that that existing sign will come down and the Allstate sign comes down right away and that there be improvements to the Advanced Auto sign to protect it with landscaping and curbing.

MR. KANE: So the approved signs would be the two new ones that are being built, the HSBC sign and then a conditional on the Advanced Auto, those are the four freestanding signs.

MR. DITTBRENNER: Correct.

MR. BEDETTI: I'd second that motion.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

FORMAL_DECISIONS

MICHAEL_OSTRANDER_(10-05)

MR. KANE: Formal decision, Michael Ostrander, one formal decision. Accept a motion to accept a formal decision as written?

MR. BEDETTI: I'll make that motion that we accept the formal decision of Michael Ostrander as written.

MR. HAMEL: Second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

ANTHONY_BECKER_-_(CONTINUED)

MR. BEDETTI: I realize that Mr. Becker did not show tonight but I have a question relevant to his application here. And that question is he's asking for a variance for one additional facade sign, unfortunately, he's not here but it looked to me like he has two entrances on that building, one on the front side, one on the side and based on the code and I can read it to you if you'd like, it being 300-45 (2) (C) that reads if a permitted business or establishment has more than one main building entrance, one additional full sized facade sign will be permitted but in no case shall the additional sign be located on the same building face as the permitted sign. Now, I believe that that's a condition that he has, the condition being that I think he has two entrances and there's one sign on the Route 32 side and there's one on the side, south side that are not on the same face so he may not need a variance other than for size. He will need a variance for size.

MR. DITTBRENNER: I would agree. I would add also I think you have entirely too much time on your hands and I think you should sit in the chair of counsel.

MR. BEDETTI: No, I just ask that as a question.

MR. DITTBRENNER: I agree with you, good find.

MR. KANE: Very good, yeah, absolutely and I think it falls right in so--

MR. BEDETTI: I think at our last meeting there was a question about the previous owner was Cooks Kitchen and that that apparently put in a, they apparently had a request for a variance and we asked them to check on that and our secretary I went and I met with her and we checked there was no indication that they were ever granted a variance for that sign back in 2004. There

is a request for them to do that but apparently there's no record, there's no formal decision on it so I'm wondering whether certainly size wise it's the same size that they had, that Cooks Kitchen has and based on the testimony of Mr. Becker when he was here he said all I did was paint over the signs that were already there.

MR. KANE: Good point, we'll take it up in the public hearing and clean it up, absolutely, very good.

MR. DITTBRENNER: I would just ask maybe we can go back to Lou and the building department and have them--

MR. KANE: What's more than likely going to happen, they're going to send it back to us just for the interpretation to keep it clean.

MR. BEDETTI: I thought that was pretty clear.

MR. KANE: Yeah, so you would think they would have caught it and since they didn't ten to one they'll probably just want us to make sure that it's--

MR. DITTBRENNER: I'd see if they want to pull it.

MS. JULIAN: But he wants one for the size.

MR. DITTBRENNER: Oh, okay.

MR. BEDETTI: But they don't need a variance for the--

MR. KANE: We'll just continue with the public hearing and just say you don't need a variance for that because you have two entrances and you're covered under this and we just do the size, we'll handle it that way. Good catch.

MR. BEDETTI: He said I've got nothing better to do.

MR. KANE: On that, good night. Motion to adjourn?

MR. DITTBRENNER: So moved.

MR. BEDETTI: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer