

**Town of Southeast
Zoning Board of Appeals
Minutes of September 19, 2016**

Timothy Froessel, Chairman	Present – 8:30 pm
Paul Vink, Vice Chairman	Present
Kevin Sheil	Present
Roderick Cassidy	Present
Debra Keiser	Present
Greg Wunner	Present
Carla Lucchino	Present
Willis Stephens, Jr., Town Attorney	Absent
Victoria Desidero, Secretary	Absent
Cathy Chiudina, Assistant Secretary	Present

Worksession:

Regular session:

Henry Van Motel, 40 Sodom Road – Continued 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 approached the bench to address the Board behalf of the Henry Van Motel.

Acting Chairman Vink: Please give us a bird's eye view of what we are looking at.

Mr. Lavender: Okay we're here, as the application says, we're looking to maintain the existing sign. We're looking to maintain the current sign. We're looking for obviously variances on four levels and we've sort of gone through all the discovery we needed to do. I spoke with the Supervisor and I had a very nice talk with Mr. Levine. So we're here to ask the Board to consider a 5 ft. variance on setback, a 60 ft. (sq. ft.) variance on the size of the sign, a 2 ft. height variance, and also there is an existing sign...a second freestanding sign, which we would like to be able to keep. That's not going to be a deal-breaker for us since one is at this point the maximum you can have and that's pretty much where we stand at this point.

Boardmember Lucchino: Your variance is for a brand new sign?

Mr. Lavender: Mr. Patel has hired Signs & Printing by Olson and what they would like to do at this point...Again, the idea is to reface the sign that is...as we have talked about...

Boardmember Lucchino: The big one?

Mr. Lavender: Yes the big one.

Boardmember Lucchino: There is a smaller one there too, correct?

Mr. Lavender: There's a smaller one there too and that's the second sign that we're...again we'd like to be able to keep it if we can for identity purposes but that's not an issue. I'm talking about the big one and they're going to create another fascia on the side that is poorly...that exists in rough shape as we all know. They're going to put that up, redo any of the lattice that is below it, replace any of the broken lattice, and make the sign not be the eyesore that it is.

Boardmember Lucchino: In your original package you have this picture. Is this the sign?

Mr. Lavender: Yes I wanted to remind...that's the side that's going to be redone.

Boardmember Lucchino: So this is the existing sign?

Mr. Lavender: That is the side...if you were coming on Sodom heading down toward the Village, it's on the right.

Boardmember Lucchino: Do you have any pictures of what the refinishing will look like?

Mr. Lavender: Yeah well I have this and I asked for more...They're going to put...it's going to be a vinyl four-sided banner, which is basically going to take the place of what's there and it will look similar to the front, which obviously is in much better shape. The intention is to clean up the bottom, the lattice and whatever is broken and that's his intention at this point. He wants to make it look good and that's pretty much where we stand. I mean where it exists there already are billboards across the street, which I think still do exist and he's bordered on one side by a stream so I mean it's more than the traffic, which tends to be affected by it when they drive by it as you have mentioned a couple of times. So his intention...if he is able to...and again this is a pre-existing non-conforming sign that was deemed legal or at least deemed okay back in 2006 when he bought the property. So we would just like to see if a variance could get granted and then our intention is to make sure that we put the sign in very nice, presentable condition so that's what we'd like to do and as for the second sign that's up, that was there...if you cannot have two we're more than willing to take that down. We have it up just for deliveries and packages and stating the address, which is...so that's where we stand and we are certainly willing to make any other changes you might deem you'd want to...that's fine...but the sign has been there since I believe the 60s or 70s.

Boardmember Lucchino: It looks it.

Mr. Lavender: Yes I know that. You and I are on the same page.

Boardmember Lucchino: You have no picture of what the resurfaced sign will look like?

Mr. Lavender: I asked for that today and they said they...it is a...

Boardmember Lucchino: It is a yes or a no answer.

Mr. Lavender: I don't have a...I don't have a copy of...I do not have anything showing you what it would be. I could just tell you that it's going to be a blue background with a white lettering. It's going to say Motel and I believe it's going to be 18 ft. by 4 ft. and it's going to be a screened vinyl banner penned on four sides put onto the sign and that's all they gave me. I asked them for a rendering of it but they did not have that. I certainly could provide one to the Board if you wanted one but...

Boardmember Cassidy: You are going to use the structure that is there now? Just put it over the structure that is there now?

Mr. Lavender: I believe that's what the owner is looking to do. He's looking to...there's a portion on top that's a little jagged. I think he's going to remove that and put up this new fascia...because the sign is lit...and that's his intention right now to have this 18 by 4 banner placed on the side that has taken...shows the most wear and tear. That's where he stands on that.

Boardmember Lucchino: Oh so the back side will be left alone?

Mr. Lavender: No, well the side...when you're coming up Sodom the sign is to your right and you are heading toward the Village, that's the part that is in very poor condition. The other side is in good condition.

Boardmember Lucchino: So which side are you leaving?

Mr. Lavender: The sign that would be on...let's see I have...

Boardmember Lucchino: The sign on your right...

Mr. Lavender: Right. It would be the side that's not facing the road. The sign sits this way so it's the sign that is on the other side.

Boardmember Lucchino: I'm not understanding.

Mr. Lavender: Okay, let me get the survey out.

Boardmember Lucchino: Like you just said, you're driving on Sodom and the sign is on your right...

Mr. Lavender: Correct.

Boardmember Lucchino: All right, so will that facing...

Mr. Lavender: That's the one.

Boardmember Lucchino: That would be the sign that would be refaced.

Mr. Lavender: Yes ma'am.

Boardmember Lucchino: And the other side will be left alone?

Mr. Lavender: Right. The other side is clean and doesn't have hardly any wear and tear on it. I don't know if you went over there but...

Boardmember Lucchino: Not today but...

Mr. Lavender: Okay...I mean we've looked at it. We're trying to duplicate what's on there. We would...you know...if the idea was to get two of them to replace them in the same fashion, if that would appease the Board then it's certainly something that I think Mr. Patel would be willing to do.

Boardmember Lucchino: I don't see how two would help the situation. You can't even fix one properly.

Mr. Lavender: I'm sorry.

Boardmember Lucchino: I mean there's a big one and a little one, right?

Mr. Lavender: A little sign?

Boardmember Lucchino: Yes. Which two are you talking about?

Mr. Lavender: The little sign that...there are two freestanding signs on the property now. I believe your Code now states you can only have one so I just said to the Board if that needs to be taken out we would have no problem with that.

Boardmember Lucchino: Did I misunderstand or did you just make mention that you were going to put two signs up? Maybe I misunderstood you.

Acting Chairman Vink: I think he was referring to the front and back sides of the same big sign. I think that's what you were referring to, correct?

Mr. Lavender: Right. Prior to talking about the two signs I was talking about the front and back.

Boardmember Keiser: Right but there is the other sign on the property, separate.

Mr. Lavender: There is a smaller sign, which was...

Boardmember Keiser: So you are asking for a variance for? In your letter it's the four but in our agenda tonight there are only three.

Mr. Lavender: Again, I've spoken with Mr. Patel. If a variance could not be achieved for the freestanding sign or he just really only wanted one sign, he has no problem removing that sign. The idea for him is to keep the larger sign, put it in the shape that would effectively...

Boardmember Keiser: I understand that.

Mr. Lavender: Yeah, that's where he stands on that.

Boardmember Lucchino: I thought there was a requirement for first responders to have an address so...

Mr. Lavender: Yeah he is probably going to look at...they would probably put one line on the...

Boardmember Lucchino: On the refurbished sign?

Mr. Lavender: Yes ma'am. That's what his intention is because we obviously have to do that or else there would have been a...

Boardmember Lucchino: Because in an emergency you want people to be able to see...

Mr. Lavender: Without fail.

Boardmember Lucchino: It's just hard to visualize without a picture.

Mr. Lavender: I understand that and I, as with you, have been trying to get them to give me a rendering and I just don't have it. I would have...I tried to get it. I even asked that they come tonight but they said they didn't want to come in front of the Board. I don't know why, you are all very nice, but that's where we stand and...again it's a pre-existing non-conforming sign. It's been there forever and I agree that it would be in his best interest to beautify it and put it in a position...where it sits, there's a commercial building across the street. There are two billboards across from him. He has a stream on one side and we have two Subaru signs down at the end of the road and then right at the corner where you turn, there's usually an 18-wheeler sitting there: how that sits there and why it's there I don't know but we found it kind of funny so just in terms of its impact being there, we're so in keeping with that sign, other than when you drive by and get agita, which I know many of you have confessed to me. Other than that we'd like to take that away, put it into good condition, and you know make it more appealing. That's what we'd like to do. Again, in terms of its impact on the surrounding area it just doesn't seem like there's that much that would be offended and again...but he's more than willing to put it into a much better state of condition.

Acting Chairman Vink: It is an awfully big sign request though. I understand that this is the same as the size that's there already but is there a way to reduce that?

Mr. Lavender: I would imagine...you know the idea is...it's more of the idea of not having to build a brand new sign I would imagine and trying to cut that in half or do something to it...I mean I know it's not the big Subaru sign up on top and I know they are looking for about the same size he is, but again it's been there for probably since 1968 or something like that. If he had to reduce it, I couldn't say if it could be done with that sign. I would certainly be more than willing to look at what could be done with it but again he's trying to keep it manageable and that has...and again I know we've discussed this but that has been a little bit of a calling card for the motel. Folks can actually see that sign when they get to the light coming off the highways and that's been the best advertising he could have so he would really appreciate keeping it. I mean it's been there that long. After looking at it, I agree that the sign is in poor condition. If the Board could see fit to allow him the variances he'll make every effort...and again if we have to go to...would he have to go to the Architect Review Board?

Acting Chairman Vink: Yes.

Mr. Lavender: Okay. He would be more than happy to take it there and see if they can agree with what we're going to do and potentially satisfy the situation.

Acting Chairman Vink: Is there anyone in the audience with any questions or comments? Anyone else have any comments? Any questions?

Boardmember Keiser: I would be more comfortable if I saw the rendering.

Acting Chairman Vink: Actually so would I. I would like to see what really is proposed for the sign.

Mr. Lavender: If you could...and I know the Chairman last time said he didn't want to go too far, but if you could adjourn me to next time I will make sure I come in with what he's going to do. I mean I don't know how soon I could get it and I wouldn't be telling you the truth if I said 'okay I'll get it by X' I would need them to do it and I have a bill, it's been paid for.

Acting Chairman Vink: I think as long as you brought it with you in a size that we could look at I think we would all be happier with that.

Mr. Lavender: I think that's fair and sensible and I would have loved to have had it and I apologize for not having it. Obama is in Town and everything is all messed up. I've been on 5th Avenue or had to go up to...trying to go uptown to get to the Westside...I've been there so

I'm sure he's going to be late...but if you'd like to see it I would have liked to have shown it to you.

Boardmember Vink: I would. I think we all would so I will put this over to next month.

Mr. Lavender: I think that would be great.

Acting Chairman Vink: Cathy, the date of the next meeting?

Ms. Chiudina: October 17th.

Mr. Lavender: I was going to make the sign red, white and green but...

Boardmember Lucchino: Red, white and green?

Mr. Lavender: Well you know the Italian colors.

Boardmember Lucchino: What's that matter?

Mr. Lavender: I was going to try and appease you.

Boardmember Lucchino: That's offensive.

Mr. Lavender: No it's...I said agita before.

Boardmember Keiser: That is offensive.

Boardmember Lucchino: Listen I didn't say that word, you said that word.

Mr. Lavender: I did.

Boardmember Lucchino: We want this Town to look great and that sign does not present that way.

Mr. Lavender: Mr. Patel...after I had the...I've been fortunate enough to sit and speak with your Supervisor and I've been fortunate enough to speak with Mr. Levine and I now understand what happened. There is a...from start to finish it's been a mish-mosh and Mr. Patel is just spinning around and did not really understand what was going on so I now know what our obligation is to the Town and to the Board here and he understands that one of the obligations is to make that look good. I promise you...again I have a bill here. He's paid for this rendering. He's paid for it. He wants to do it.

Boardmember Keiser: Who is he paying?

Mr. Lavender: For the sign people? He's paid for the...

Boardmember Lucchino: Do you have the name of the company?

Mr. Lavender: It's called...I have it here. It's called Signs and Printing by Olsen, 267 Old Route 22, Patterson, NY.

Acting Chairman Vink: Okay we will put this over to the October meeting. If you could please bring us the rendering that would go a long way in helping us.

Mr. Lavender: I appreciate that and I apologize if I said anything that was...thank you for your time as always. That's the 19th of October right?

Ms. Chiudina: 17th.

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

Ronald Levesque of Sign Studio, Inc. approached the Board to continue to present his application on behalf of Brewster Honda Service Center.

Acting Chairman Vink: Why don't you refresh us although I think we all know where we left off?

Mr. Levesque: I came here asking for a variance specific to the wall signs and I also came here asking for variances specific to a freestanding sign. Basically just to rehash a little bit of what we did last time I was here was that we talked...we mostly talked about the wall signs. The one with the freestanding sign, I had mentioned that because of the nature of this sign that you...I'm not from the Town of Southeast but I've driven through here and I haven't seen one similar to this so I don't think that me coming here and trying to set a precedence with this Board is something that I'm going to really force and that I thought that maybe that with the board members and their vast history here, would take this into consideration and look upon it from the point of view that with this Town and its residents and the character of the Town would find acceptable so we are going to leave that freestanding sign at that and just move right into the wall signs. Is everyone in agreement with that?

Boardmember Lucchino: I'm not really sure what your point is. You still want a freestanding 65 ft. sign?

Mr. Levesque: Yes they do but I'm not going to come up here and argue the values of a 65 ft. freestanding sign. I'm going to put that in your hands. You can look at the proposal that you have been presented with and then I'm going to ask that you base that upon your history, your knowledge, and your life experiences here in this Town to say whether or not you feel...

Boardmember Keiser: But you still want it?

Mr. Levesque: Yes of course we do but...

Boardmember Cassidy: I'm only one voice on this Board but I would agree with moving on and discussing the wall signs is probably a better use of your time.

Mr. Levesque: Right because I'm not going to come here and give you a whole bunch of examples and laws and things like that trying to justify a freestanding sign.

Boardmember Cassidy: You wouldn't be able to.

Mr. Levesque: Right there you go so we brought it out in the open and now we can move on to the wall signs.

Boardmember Cassidy: Yes.

Mr. Levesque: Okay. So when we presented these wall signs and we put this package together we went ahead and we looked at the Code. We looked at 138.75 for the sign regulation and then specific sign regulations and in there you will see that they have in regulation A(3) and the Planning Board has determined that there are specific signs that you can have as long as they are directory in nature. So with this project being in front of the Planning Board and it already being resolved with the Planning Board that there are no restrictions on the signs we moved forward to going ahead and submit the signs and we were denied because what we're asking for is three building signs. We're within the square footage for all three building signs but we cannot put all three words together and make one sign because if we could we would be within the regulation and we'd pass and wouldn't be here tonight, we'd be going straight to the Architectural Review Board, but because you have Lia Honda and you have the Service Center that prompted us to go into your Code and seeing where in your Code that someone in the past has said 'hey look we have to come up with a specific sign regulation that's going to start taking into consideration the unique nature of our society that is pointing toward having more convenience based services. These convenience based services are your drive-ins. They're getting more and more popular. So for example, if you were to go to a service center at the newer car dealerships, not all of them, even your

mom and pop service centers don't have drive-in services but the newer ones. You don't get out of your car, walk into...

Boardmember Lucchino: This is what you want, right?

Mr. Levesque: That's right. You don't get out of your car in the parking lot and walk in and say I'm here to have my car serviced. You drive right into the overhead doors, the doors open up and you drive in and you are met with a service representative that would normally greet you inside the building so it's more directory in nature. With that being said, specific sign regulations 138.75a(3) addressed that with the Planning Board stating that yes there is going to be a need for this in the future and they did come up with a specific guideline saying if it's directory in nature it's acceptable. Then it went one further. Then it went to 138.75.1 and they came up with a whole classification for car dealerships and if you look at that one there in C(2)(a) and it talks specifically about car dealerships and in car dealerships they say they're entitled to the name of the company, which would be Lia and they're entitled to the brand so their entitled to those two things and then it goes one step further and it also indicates that 'the Planning Board may permit, where it deems necessary, convenience signs that convey information for directional purposes.' And because it's a Service Center and it is a drive-thru and there is a reception bay in there that's clearly the intention of the Planning Board to outline this platform in your Code so that's where we came up with the specific plan that we put together today for the signs. We have Lia, the name of the dealership and we have the manufacturer, Honda. We omitted the logo because that would have put us over the square footage and we didn't want to come here asking for square footage and we went with the service center because it is directory in purpose so we figured that would be great because we looked at the neighborhood and looked at other places. You know Subaru down the road doesn't have as much as we have. They got a variance. That's great that they got a variance, but do we want more than Subaru? We're not asking for that. Are we asking for what Subaru has? Yes, we are asking for what Subaru has. Are we asking for what Brewster Ford has? Yes, we're asking for what Brewster Ford has. Are we asking for more? No. We're absolutely not asking for more. So, if you look at Subaru: they have Subaru and Brewster separate and then they have the logo in the middle. Look, it's three signs but it's clearly Brewster Subaru so we got this photo of Subaru and this is basically what we have. We have Service Center, which is directory in purpose and we have what your Code allows: the name and the manufacturer, similar to what Brewster Subaru has. What's a little different about Brewster Ford is that they were able to put Brewster Ford on one line so because there is actually the name of the company and the manufacturer, this is only considered one sign but Lia separated theirs: put Lia here and Honda there so now it's considered two signs. If they kept them together it would be one sign but again Subaru was allowed to do that as well. Not only that they have a sign for service, which is directory in nature.

Boardmember Cassidy: Let me ask you about "directory in nature." Subaru has two signs because they have sales and service in one location so you need the directory signs. Brewster Ford has two signs because they have sales and service, directory in nature. Are you having sales up at the service center?

Mr. Levesque: No but we still have to have the legal name on the building. We still have to have...

Boardmember Cassidy: Why do you need a directory sign if the only purpose anyone is going to that building for is service? It's not directory. You don't need a doctor's directory if there's only one doctor in the building.

Mr. Levesque: Well let me put it this way, a planning board once told me why put car wash on a car wash and that kind of sums it up: because you need it. You do need it. You have a

service center over two overhead doors that have reception bays in it. If you don't think that someone driving up there is going to, if you don't have service center, is going to drive straight into those bays, they're not going to do it. They need to be told to do it. They need to be advised of it. They need to be directed to it. No different than...New York State DOT says 'if you put a business sign on a highway you have to, by law, direct everyone to that location' so if you see a Best Western on the highway, when you get down to the end of that road and see Best Western to the right and if Best Western is not found to the right and it's down another street to the right, New York State law says you have to direct them right to the site and that's just the way way-finding is. It's not just convenience it's a safety consideration for the general public to safely guide them to their destination. Someone pulling up, driving around the parking lot three times trying to figure out where to go is not a safe thing to do because they're looking all around. You have to get them in the gate, straight up to where they are going to go. You need to do that as safely as possible and that is why you absolutely need "Service Center" there. It's not a sales building it's a service building and if you have people going up there...see the Honda on the road and go up there and they're looking for sales, they may very well think it's going to be sales if you don't put service center on the building. There are a lot of reasons why "service center" needs to be there.

Boardmember Cassidy: Does the pillar at the front of the building say service center?

Mr. Levesque: Yes.

Boardmember Cassidy: Then if they're all the way up the hill already they've missed everything because if they're looking for sales it's across the street. It says "Service Center" on the pillar going in then they know they're going to the service center.

Mr. Levesque: No it doesn't say it on the pillar. I thought you meant the pillar up on the building. You're talking about the freestanding sign.

Boardmember Cassidy: No I mean on the freestanding sign at the beginning.

Mr. Levesque: Strictly the Honda logo.

Boardmember Cassidy: So they're going to have to go up the hill to find out what that Honda building is anyway.

Mr. Levesque: They're going to see that it says service center. They may be directed to the service center by other means. They may be directed by the internet, by phone calls, by word of mouth because there are going to be other means that they will be directed to that location. There are going to be times that people that go there think they're going to the sales building. That's absolutely true, but it's the fact that you have to get the general public to that building, to that door, and in the door. That's why the Planning Board and the Code have come up with this specific section in the Code for car dealerships because they felt a strong need for a directory sign. If these signs weren't needed you would not see them on every single automotive manufacturer sales place or service place.

Boardmember Cassidy: They're all combined. You need to know where sales is and you need to know where service is because they're combined. I think the presumption is that it's going to be one building, not a build and a building.

Mr. Levesque: It's specific for service center, this building is.

Boardmember Cassidy: I understand.

Mr. Levesque: But this is not unique. This is not like it's the first in the country. It's not unique at all. It's happening all over the place. It's happening in lots of locations. Not everything can be underneath one building. There are a lot of restrictions in some towns and cities where there's not enough space for it.

Acting Chairman Vink: Greentree Toyota is set up like that in Danbury. Their separate building also does say service on it and it's a separate building in a location where that's all you are going there for and there is a service center sign there.

Mr. Levesque: We've actually gone in front of boards where they've felt that there's not enough signage that conveys the message to the general public to get them where they're going. Now, some would say 'well why don't you have one out by the road that says service center?' True, why don't we? You know? It's a consideration, but there isn't one. Then you're getting additional signage and square footage and we're trying to keep it all within the confines of the Code and within those confines of the Code there are guidelines that go along with it and we meet those guidelines. Brewster Subaru may have a sales building there. He may have service there as well, but when you look at the front facade of his building he has the same number of signs. You really just can't take into consideration that he may offer one more product, one more service, or one more manufacturer. It's very, very similar in nature where you know Brewster Subaru is divided, Lia Honda is divided, and then you have the customer service center. But again, we're all underneath the square footage.

Boardmember Lucchino: Can I ask you a couple questions? In the Special Use Permit it has specific hours for the business: 7 am to 8 pm Monday through Thursday, Friday 7 am to 9 pm, and 8am to 4 pm on Saturdays.

Mr. Levesque: Closed Sundays though right? Is that correct?

Boardmember Lucchino: Closed Sundays, correct. So what I'd like to know is: for the periods outside of those specific business hours, are all the lights going to remain on?

Mr. Levesque: It's resolved as well that there has to be certain lights left on so that's within that resolution that you're looking at as well, that there has to be certain security lights and parking.

Boardmember Lucchino: So when I drove by there the other night...I actually went on Meadow Lane and stayed in my car on the road to look down...the signs you are asking for of course are not there...that building is lit up with bright white light. Is that how it will be after everything is functioning?

Mr. Levesque: I couldn't testify to that because I haven't been there like you were there that night to see it. I do know the Code says and if I did go there and say for example the parts department lights were all on: I wouldn't think that would be acceptable underneath this resolution.

Boardmember Lucchino: I think we asked you about this last time and that's why we asked for the contents of the Special Use Permit because we were curious about how many lights would be on after business hours. So you still can't address that?

Mr. Levesque: No I think...because I didn't go there like you had gone there but I know that there are certain restrictions on the types of lights that are in there that can be on. I know that they require certain lights on for security purposes.

Boardmember Lucchino: All that said what I want to know is: after the business closes on these days for the evening what lights will remain on?

Mr. Levesque: What lights will remain on?

Boardmember Lucchino: Yes.

Mr. Levesque: I think that...I'd have to go back to Code and let them investigate that as well because I can't testify to the lights as to what will be on because that's something that the Planning Board and the Town Board...they went over with Lia and that's what they stipulated to.

Boardmember Lucchino: Okay I didn't see it in the Special Use Permit. It exists somewhere else?

Mr. Levesque: It may. Like I said, I can't testify to the type of lights on but if they were in violation they could be sited for it but it's something that I can't testify to today as to what lights will be left on and what lights will be left off. I'm pretty much the sign company and I just deal with the sign regulations but I do understand where you're coming from. They are regulated by the resolution that only certain lights are left on after a certain time and all the lights have to come off. I interpret it the same way you're interpreting it, but I just didn't go there and...

Boardmember Lucchino: I'm not interpreting at all. I'm just asking the question because I don't know what lights will be on at night.

Mr. Levesque: Right, yes.

Boardmember Lucchino: That's all I want to know because if you recall we had some residents that had a few concerns.

Mr. Levesque: That question would have to go back to the planning department and someone there or the corporation counsel would have a better idea of what transpired between the Town Board when they passed this resolution and the Planning Board and what they agreed to as well. It may even had gone to the Architectural Review Board and they may have made stipulations in addition to the Town Board and Planning Board and their stipulation of what they were going to regulate as far as interior and exterior lighting but if it pleases the Board we can go to this resolution and we can determine that the signs be regulated by the hours of operation.

Boardmember Lucchino: May I ask you another question?

Mr. Levesque: Yes ma'am.

Boardmember Lucchino: It also says in the Special Use Permit that 'the final site development plan shall include a planted buffer area consisting of predominantly evergreen trees along the portion of the site that is adjacent to and abuts the Meadow Lane residential community.' Do you know if those trees were planted?

Mr. Levesque: Yes they have. When you go into the parking lot as soon as you turn to the right, I believe that's Meadow Lane. There is a buffer there. There are so many feet of natural vegetation: trees and...

Boardmember Lucchino: Do you know how tall the trees are?

Mr. Levesque: I think they're probably 6 ft. right now.

Boardmember Lucchino: Okay and they're evergreens?

Mr. Levesque: Evergreens, yes. They were planted just outside of the natural growth area so their probably within so many feet of the natural growth area.

Boardmember Lucchino: Yes but I'm not so sure it's going to help the residents who are up high looking down. I think the only mitigation is for them to plant some trees if they choose to do so. That's why I'm curious about how late those lights are going to be on because I parked...it's not the blue of the signs that you're talking about, it's that bright white light. For some folks it was shining into their windows at night.

Mr. Levesque: I spoke to Vince Lia this morning and I told him that when I was coming here to this Board and this was going to be addressed, the issue of the lights, and he said that he had stipulated with this resolution that we're talking about now that the lights will be turned off. If at any time that they're found in violation of that it's just a phone call to the manager of the store. They could be regulated by computer timers.

Boardmember Lucchino: I think you said last time that all those lights were on now because the property was under construction, which is understandable but what I'm asking for is that when it's fully functional, construction is over, what's on at night but you don't know.

Mr. Levesque: I don't know I'm just the sign guy. I only work on the sign portion. But I know that the Lia's are pretty socially conscious and they would entertain if say in the future someone deems that certain lights, if they could be dimmed...sometimes you can get these things that they call blinders. They go up on the parking lot lights. You can put a panel on it that will direct some of that light. So if the light goes out like this, you put a panel on it the light may go down on this angle instead of going out like that. Now if that light is angled toward the residents or if you look in the parking lot and you look at a resident's house and say 'is it that light, is it that light in that corner that's a better angle that they can see...' It may not be the one in front closest to their house because that may be projecting light away from there. It could be the one in the back. It takes just going back to the facility after everything is up and running to pretty much now and take a look and say 'can we put a blinder on that one to tone down that light.' I mean they're not obligated to...

Boardmember Lucchino: It's hard to say if we don't know which lights will be on at night.

Mr. Levesque: Right I know that...like we talked about before that they were down there and doing things in there and I know that one night I was there late. It was about a week ago and a lot of mechanics were there bringing in parts and tools and it was late at night. I happened to be at another meeting and I was coming by that way.

Boardmember Lucchino: Right but you explain that by saying it's still under construction but we expect that to change when they are up and running.

Mr. Levesque: It will change, correct. It's going to change because I did speak with Vince Lia and I said that it's a serious concern that these lights be turned down at the specific times and he said he did stipulate and agree to that.

Boardmember Lucchino: It's just not written in the Special Use Permit so I don't really know the answer.

Boardmember Cassidy: It's not addressed in the Special Use Permit. I mean it's a beautiful building but driving by it looks like a football stadium. It's so lit up so to the people living above it it's like living above a football stadium and looking down on it.

Mr. Levesque: Right but right now I just don't think that's what the resolution had believed was going to happen. I think this resolution had addressed that and I think because it's so new and they're not open yet and not up and running, that it hasn't come into play. They do have some cars and traffic going in and out of there late at night to move material in and out. Just recently all the lifts were being put in late at night so they did have the trucks up there with the guys getting equipment out of the trucks and their tools and that sort of thing. But, again, it's in here. They're regulated by it. They have to comply. What the final outcome is when they shut the lights off at night is yet to be seen I guess. I apologize but...

Boardmember Lucchino: Yeah if I lived on Meadow Lane I don't think I could deal with that. I mean you could probably put up with a temporary inconvenience but it would be good to know what the final solution was.

Mr. Levesque: Right...and we're offering...I know that any kind of lighting...a different color light on a building is a focal point and it could direct your attention to it but the blue light is a softer light. It's a diffuser.

Boardmember Cassidy: I don't think it's the blue light that the neighbor's have a problem with, it's the white burning light. It is pure white.

Mr. Levesque: Right and it is in this resolution here that they have to abide by this resolution and I spoke with them and there are certain lights I believe that the Planning Board...I don't have it with me but from conversations with BBL Construction, the project construction company, I did talk to their corporate office. I talked to some of their planners there and I talked to them about the lighting there and he had also advised me...Eric Masterson of BBL,

also advised me that they did agree to the lighting issue and they did put in a system that will turn the lights off and regulate the lights during those times. I did speak with him and I do have an email from him as well just addressing this resolution so we did take it upon ourselves to go one step further and look at the lighting issue for you and I think it's going to be regulated. I really do. I think it's...I can't promise you that it's going to be because I don't have the control but Vince Lia did say today that the lights will go off for the sign at the same time that the lights go off for the building.

Boardmember Lucchino: But you don't know which lights?

Mr. Levesque: No but I do know there will be lights on I just don't know which ones. Most likely security lights are pretty much wall packs that are on the building.

Boardmember Lucchino: Okay but you can understand why we're asking?

Mr. Levesque: Sure.

Boardmember Lucchino: If you lived there you'd want to know probably, right? If I lived there I'd want to know.

Mr. Levesque: Sure. I'm only smiling because I just went through this. I live in the country on a back road and someone just put in a big message center board, LED along a country road.

Boardmember Lucchino: Are you happy about that?

Mr. Levesque: No but I went to the Planning Board and I did speak up because sometimes it's better to regulate it than to allow it without conditions and I knew the board was going to allow it so I went there and tried to help regulate it so there are conditions on it, very much what you're doing now, same thing.

Boardmember Lucchino: I just want you to understand why we're asking.

Mr. Levesque: Absolutely yes but we will agree to turn the lights off on the sign at the same time as the lights on the building go off.

Chairman Froessel: The Special Permit regulates the hours of operation on the business but I don't see anything on there that regulates when the lights go on and off. I was hoping that we would suggest that there would be some sort of resolution that would be conditioned upon the hours of operation with the lights being on a timer or what-have-you.

Boardmember Cassidy: There seems to be someone in the audience that has some insight they'd like to add to this.

Chairman Froessel: Anyone in the audience have any questions or comments?

Keith Greene of 3 Meadow Lane addressed the Board.

Mr. Greene: My name is Keith Greene of Meadow Lane. We have an adjacent property. I don't have the very latest site plan I'm sure. The latest that we have was revised in 2013 but the site plan layout of that date stipulates that all primary lights and I don't know what that means yet, will be turned off one half hour after operations close. It's on this site plan, which I know the Planning Board and the Town Board have talked about being the basis for the Special Permit. I don't know if anywhere primary lights are defined but it seems that this gentleman is offering that sign as a primary light, which would be great.

Chairman Froessel: I'm assuming primary lights are everything other than security lighting.

Mr. Greene: I mean the security lighting and the site lighting they had was great. It's compliant with all of the Night Sky regulations. It's very low in intensity and the site lighting is good. If you've seen the building from Allview Avenue and Meadow Lane you know that the description of a sports venue is more appropriate and we're waiting to see when they go out. They haven't gone out yet.

Boardmember Lucchino: I was there at 11:30 and they were all on.

Mr. Greene: I don't think they're on timers at all, I think they're just on.

Boardmember Lucchino: Right but it's the construction phase.

Mr. Greene: Well yes, yes. We acknowledge that and they're working. I just wonder what primary light is and if that's stipulated anywhere. If it's not then certainly if you're looking to make recommendations to the Board that would be a good one to help define what a primary light is. Thanks.

Chairman Froessel: For my purposes it would include any illuminated signs.

Boardmember Lucchino: Well this gentleman agreed that the signs, at least the signs on the building would go out.

Boardmember Vink: And that's what is in front of us. I know we have concerns about the lighting but technically they're not part of what we're considering here, we're just concerned about it.

Boardmember Lucchino: Right.

Mr. Levesque: We'll have them compliment the lighting and once the lights go out the signs will as well.

Chairman Froessel: I was a little late; did we talk about the freestanding pole sign?

Boardmember Cassidy: The gentleman had decided that we should leave that off for now and that his time would be better spent addressing these signs rather than the pole sign.

Chairman Froessel: Okay. Do you have anything else you want to add regarding the wall signs?

Mr. Levesque: No sir. If anyone else has any questions I will address them but otherwise no.

Chairman Froessel: Okay. Does anyone have any questions on the wall signs? Is there anyone else in the audience that has any questions or comments?

Renee Diaz of Meadow Lane addressed the Board.

Ms. Diaz: I have one of the higher properties that have a direct view of the property. Just again to let you know, I understand where there has to be a balance between commerce and homeowners but again the Lia's are not living with this. They don't live on Meadow Lane. They get to make their money, increase their profits, and go home at night. I worked my butt off to buy this house, to keep it maintained, and I'm the one that has to come home and live with this so I would appreciate your consideration when you review this application.

Chairman Froessel: Okay. Shall we talk about this?

Boardmember Cassidy: I think there's one other person.

Chairman Froessel: Yes, come on up.

Laura Greene addressed the Board.

Ms. Greene: Laura Greene and I do have the same concern with the bright, white lights shining into our windows and backyard and I will also mention one change since the last time we were here: the sign out by the street is now lit on top with a bright blue.

Chairman Froessel: That sign is in the Village unfortunately and is not within our jurisdiction so...

Ms. Greene: Right. I just wanted to share that.

Chairman Froessel: Are we going to address the pole sign?

Boardmember Cassidy: Would you like to address the pole sign here?

Mr. Levesque: I think I'll pass.

Chairman Froessel: It's still part of the application?

Mr. Levesque: It's still part of the application. We can vote on the specifics of the wall variance and then the variances for the freestanding sign. Do you combine them as one vote

or as separate votes: one being specific to the wall signs and one being specific to the freestanding sign?

Chairman Froessel: That varies with the type of application but I will tell you my suggestion with this application would be to split them into two votes.

Mr. Levesque: Right. That's what I would like to do.

Chairman Froessel: Okay. I don't have anything to offer on the freestanding sign other than it's absolutely unprecedented in this Town and when the Mobil station wanted an 18 ft. sign we made him squeeze it down to 12 so a 65 ft. pole sign in my opinion is not something that I would be in favor of. It is not the in character of any neighborhood in this Town. Such is my feeling. Do we have any deliberation anyone wants to have? Any more questions or can we close the Public Hearing?

Boardmember Lucchino: Is it worth it or relevant to find out what are primary lights versus security lights or is that as you said Paul 'irrelevant to the application before us?'

Boardmember Vink: I think if we are creating our own set of circumstances here such as conditioning any approval on the signage lighting to be turned out within one half hour of closing of operations of the business I don't think it's particularly relevant or within the scope of our authority to discuss the primary lighting.

Chairman Froessel: Other than we can certainly make a condition on this application that is consistent with the site plan. Are there any other questions or comments from the Board? No? Do you have any final questions or comments you would like to make before we close the Public Hearing?

Mr. Levesque: No I don't.

Chairman Froessel: Do you feel you've been given a fair and adequate opportunity to present your application?

Mr. Levesque: Absolutely, absolutely.

Chairman Froessel: I think this one has been talked through pretty well. The one question we had was in terms of the Special Permit and I think we got our information there. I think we also got the information regarding the site plan and the timing for the lighting on the wall. Unless anyone vehemently disagrees I would suggest that we do two different votes on this: one for the wall signs and one for the pole sign. Everyone seems to be in agreement on that. Why don't we do the wall signs first? I will entertain any motion that anyone would care to make.

The motion to grant the requested variance for three wall signs of no greater square footage in total than allowed by Code as depicted in the submission made to this Board and conditioned upon the sign lights being extinguished no later than one half hour after closing of the business or in conformity with the Planning Board's site plan approval to the extent that would require an earlier time than that was introduced by Boardmember Vink, 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.
With respect to the signs I think there certainly is a change in the character of the neighborhood. It's a residential neighborhood. Although this lot itself has essentially always been commercial, illuminated lighting is a change on that site. I do think it is undesirable to the neighborhood, but with respect to the signs themselves I don't think that it is a significant detriment. It is the lighting on the property as a whole that I think creates the real undesirable change, not the signs and I think when you consider the fact that the signs themselves were they a single sign they wouldn't be here for a

variance: it's just the fact that they split them into three. So I think while you could consider it undesirable it's really a minor issue here as opposed to the lighting on the site itself.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
It wouldn't make sense to do it any other way other than to split these signs up on a building of this size. There really is no rhyme or reason to not having the signs like this in this proportion on this kind of a building.
3. Whether the requested variance is substantial.
I really don't think it is because they're not going over the square footage that they would be allowed on the building so I don't believe it's a substantial variance.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
Other than the lighting issues that I discussed already I don't think there are.
5. Whether or not the alleged difficulty was self created.
No I don't believe it is because they have done their best to keep their signs to a minimum and again the square footage is not above what they would be allowed for a single sign.

Roll Call Vote:

G. Wunner	In Favor
K. Sheil	In Favor
P. Vink	In Favor
R. Cassidy	In Favor
C. Lucchino	In Favor
D. Keiser	In Favor
T. Froessel	In Favor

The motion to grant the variance as stated in the motion passed by a vote of 7 to 0.

Chairman Froessel: That variance is granted. We will move on to the freestanding sign.

The motion to deny the requested variance for a 65 ft. tall pole sign that is 12 ft. from the property line and has other issues was introduced by Chairman Froessel, seconded by Boardmember Vink. 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.
Absolutely it would be undesirable and a detriment to have a 65 ft. tall pole sign on a property that abuts a residential neighborhood. There is no other sign of that height anywhere in this Town and we have basically forced other business owners in the Town that have signs much, much lower, one third of this height or less to lower their signs.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

I think there are other feasible methods. That sign is basically advertising and directed at Interstate 84 and I think that there are other feasible methods to do that and not impose on the neighborhood so much.

3. Whether the requested variance is substantial.
It is extremely substantial. It's substantial in its sheer height which is about four times what's permitted under the Code. It's substantial in that it's twice as close to the property line as is permitted. The size of the sign is excessive. It is definitely substantial.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
Yes I think it does. This is the rare application where I think there is an adverse effect on the physical or environmental conditions of the neighborhood because this property abuts a residential neighborhood and to have a 65 ft. pole sign towering over it I think is an adverse effect or impact.
5. Whether or not the alleged difficulty was self created.
Yes it is self created as the applicant wants a 65 ft. pole sign where there are none in this Town.

Chairman Froessel: As a reminder this is a motion to deny so a vote in favor means you are in favor of the denial.

Roll Call Vote:

G. Wunner	In Favor
K. Sheil	In Favor
P. Vink	In Favor
R. Cassidy	In Favor
C. Lucchino	In Favor
D. Keiser	In Favor
T. Froessel	In Favor

The motion to grant the variance as stated in the motion passed by a vote of 7 to 0.

Carla Lucchino, 203 Allview Avenue – This is a Public Hearing to review an application for a an existing stone column which requires a 1.6 ft. front yard height variance where 4.6 ft. is proposed and 3 ft. is required.

Carla Lucchino approached the Board to continue her application.

Boardmember Lucchino: Last time we talked about my stone pillars and someone mentioned the height of the lamps that are on top of the pillars. I don't recall that being in the Zoning Code and we were so busy so we just smoothed it over to this month but what I did is I went and got the specs of my lamps. They're 23 inches. Rod I think you said they were 20 inches and I said no way?

Boardmember Cassidy: I said 24 actually.

Boardmember Lucchino: Well see you're close: they're 23. I have the specs so you can see. The original request was for a foot and a half variance because the stone was about 18

inches too high and so...Michael (Levine) didn't measure the size of the lamps but if they're supposed to be included then we should add another 23 inches.

Chairman Froessel: The way we've done this in the past and I think there has always been some uncertainty as to whether or not the lamp was included or not, but just to be sure that the applicant got what they needed was we would basically approve a pillar of a certain height with a light on it of a certain height so there would be no question. So having the measurement at least now we can do that.

Boardmember Lucchino: Right.

Chairman Froessel: The pillar variance is 1.5 ft. with a lamp on top of 24 inches to round it. We discussed this last month and I think it's pretty straightforward. Does anyone have any additional questions? Anyone in the audience have any questions?

Boardmember Lucchino: Did any of you drive by?

Boardmember Vink: Yes actually. Your house is beautiful.

Boardmember Lucchino: Thanks. I'm the newest house, maybe not the newest house in Town but the newest house over there for sure. I'm just trying to keep it in conformance with the look of the whole neighborhood.

Chairman Froessel: It's a nice area over there. I like it. If we don't have any other questions I will go ahead and close the Public Hearing. Carla, do you have any final statements you would like to make in support of your application?

Boardmember Lucchino: I do not.

Chairman Froessel: Okay. Do you feel you've been given a fair and adequate opportunity to present your application?

Boardmember Lucchino: Yes I do.

Chairman Froessel: Very good. This one is straightforward. I will entertain any motion that anyone would care to make regarding this application.

The motion to grant the requested variance of 18 inches for the stone pillar and 24 inches for the lamp or globe on top of the pillar was introduced by Boardmember Cassidy, seconded by Boardmember Sheil. 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 absolutely not. It's consistent with the neighborhood and actually makes the neighborhood look better.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No not really. The pillars are already in place and again, it is consistent with the character of the neighborhood.
3. Whether the requested variance is substantial.
No not really.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
There has been no testimony to that effect.
5. Whether or not the alleged difficulty was self created.

Yes perhaps but only to the extent that all such things are self created and again it makes the neighborhood look better and is consistent with the character of the neighborhood.

Roll Call Vote:

G. Wunner	In Favor
K. Sheil	In Favor
P. Vink	In Favor
R. Cassidy	In Favor
C. Lucchino	Recused
D. Keiser	In Favor
T. Froessel	In Favor

The motion to grant the variance as stated in the motion passed by a vote of 6 to 0 with one recused.

BRAVCOR, LLC, 65 Fields Lane - Public Hearing to review a referral from the Planning Board for a 20 ft. variance to construct a loading dock and access driveway within the parking setback where 5 ft. is provided and 25 ft. is required.

Engineer Joseph Buschynski of Bibbo Associates was sworn in and the mailings were found to be in order.

Chairman Froessel: Please tell us about your application.

Mr. Buschynski: The BRAVCOR building is warehouse/office use on a 9.4 acre site on Fields Lane immediately adjacent to the Brewster Ice Arena on the east, to the north is the Brewster Sports Complex, and on the west is land under the ownership of Putnam County Land Trust. The project was approved for some revisions from a previous proposal a number of years ago and recently re-approved under the name of BRAVCOR. The building has actually shrunk a little bit. There was approval given to start construction in the spring of this year and the site construction has been underway since. The owner found in negotiating with the tenants that two of his primary tenants would really prefer their loading dock facilities at the rear of their space meaning back here and consequently we submitted an application for an amended site plan again with the Planning Board for that reason, for the change in the loading access to the building and to elevate the building a couple of feet to minimize the amount of rock excavation that was occurring on the east side. In order to accomplish the loading dock in the back we have to expand the paved surface area to the north and consequently it would infringe on the parking setback by 20 ft. The setback calls for 25 ft. from the property line and we encroach on it to within 5 ft., especially at this point. We are minimizing the amount in the northerly direction by actually providing exterior docks at an angle so that trucks can approach the docks on an angle and consequently that minimizes the extent of the direction we have to go in the north. The infringement is...the red line here is our setback. This area of pavement infringes. The location for this activity is appropriate. It's the back side of the Brewster Sports Complex. They don't go back here. It's down in elevation. It has that attribute for the location. The reason we didn't move the building forward to accomplish that is a large component of the site is in storm water management practices and we to pretty much adhere to these limits of parking infringing in the southerly direction. As it is, with the revision we've added a small retaining wall in order to bring the site up a little bit and still maintain these practices. That was the reason we didn't move forward. We haven't added impervious surface on the basis

that what we're doing is compensating. There was a slight increase in impervious as a result of this loading dock but what we did was provide a compensating area in a pervious surface of pavement called a gravel paved and that will be the compensation in maintained amount of impervious that we originally proposed.

Chairman Froessel: What kind of trucks are going to be going in and out here? Will there be hazardous materials or anything like that?

Mr. Buschynski: No.

Chairman Froessel: The building says there's a retail space and then warehouse? Is that all related?

Mr. Buschynski: There is a retail component available to the owner. Currently there is no interest in that kind of activity for the building.

Chairman Froessel: But that would be separate and apart from the warehouse use?

Mr. Buschynski: Yes. Any retail would be occurring up front.

Chairman Froessel: Okay.

Mr. Buschynski: Originally way back when this was always known as the Dykes Lumber building. They're located in Hawthorne and they wanted to come up and do a store. It was going to be mostly a warehouse but they were going to do retail to showcase some products with a component of office as well. They were actually going to drive through the building and offload inside. That's kind of why the orientation ended up the way it did but the current tenants would like their warehouse in the back and their office up front.

Chairman Froessel: It's a pretty challenging site. I know they've been doing a lot of site work and excavation over there.

Mr. Buschynski: Yes. It's a large area of grading that would require for both the building and the storm water and that was the first component that went in and these have been completed and the path has been completed and you may have noticed that the foundation and foundation walls are in. The steel is up.

Boardmember Lucchino: On the north side, where you have those bays for the trucks, is there anything from the paved area to the edge of the property? Are there trees? Are there plants? Is there grass?

Mr. Buschynski: Grass.

Boardmember Lucchino: And property on the north side that's adjacent is owned by...who owns that property?

Mr. Buschynski: It's called the Brewster Sports Center.

Boardmember Lucchino: Okay. What do they have? Do they just have grass as well?

Mr. Buschynski: Just grass.

Boardmember Lucchino: So it's all very visible from the Brewster Sports Center?

Mr. Buschynski: Yes.

Chairman Froessel: That's the back side of the sports center. The entrance to the sports center is to the north of the sports center itself so you come down and around and really can't see behind the building when you go there.

Boardmember Lucchino: Right, right. I drove through there. I wasn't able to get to the back but I was on right on the side over on the east side.

Chairman Froessel: You get a better view of it if you're going in through the ice arena.

Boardmember Lucchino: Yeah I should have done that.

Chairman Froessel: I may not have heard you completely before: where is it that you are going to be using the pervious paving material?

Mr. Buschynski: It's very light. It's dotted in this area over here. It will be pervious and the access to the fire protection tank will be here. It's going to be in a pervious surface.

Chairman Froessel: Okay, thank you.

Boardmember Keiser: I have a question: I'm trying to understand the landscape. The ice arena is where in relation?

Mr. Buschynski: That's the ice arena, that's the lower parking lot that they have. It doesn't get used very much.

Boardmember Keiser: Okay. So that road will simply continue beyond the back parking lot and then this building is to the left of the back parking lot of the ice arena?

Mr. Buschynski: Yes.

Boardmember Keiser: Is that road open? It doesn't open that way.

Mr. Buschynski: Which road?

Boardmember Keiser: The parking lot behind it. There won't be any opening to the sports center?

Mr. Buschynski: No. There's a difference in elevation between the two. There will be no road continuation. There wouldn't be a need.

Boardmember Keiser: I know where the ice arena is and I was just trying to imagine the actual landscape. I understand now.

Chairman Froessel: The entry drive is the same as the drive you take to go to the ice arena, just where the Land Trust property is it then goes to the left and then down below the ice arena. Well there is no one in the audience to ask any questions. I don't think I have any questions.

Boardmember Vink: The mailings are in order?

Ms. Chiudina: Yes.

Chairman Froessel: Does anyone feel the need to go see it before we vote? I've seen it many times already.

Boardmember Lucchino: I drove over there and I was able to see from the lower parking from the ice arena some of it and have a good sense I think.

Chairman Froessel: Okay so it sounds like we are okay to vote on this tonight?

Boardmember Vink: Yes I think so.

Chairman Froessel: Do you have any final comments you would like to make before we close the Public Hearing?

Mr. Buschynski: No sir.

Chairman Froessel: Do you feel you've been given a fair and adequate opportunity to present your application?

Mr. Buschynski: Yes I have.

Chairman Froessel: Thanks very much. We will close the Public Hearing. Basically this is an application for a single variance on the parking setback where 25 ft. is required and they are looking for 5 ft. In that aspect it's a fairly simple application. I think that given the nature of that neighborhood, which is the ice arena, the sports center and then to the left the moving company. They were before us once before, Collins Brothers. It's not out of character with the neighborhood. I will entertain any motion anyone would care to make on this application.

The motion to grant the requested variance of 20 ft. from the north side parking setback where 25 ft. is required and 5 ft. is proposed was introduced by Boardmember Vink, seconded by Boardmember Cassidy. 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 I don't think it will be an undesirable change whatsoever. I think it's entirely in keeping with the character of the neighborhood as the Chairman pointed out.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
No their parking is right along the lines as it is and in order to get any kind of access for trucks back there they would need some kind of variance.
3. Whether the requested variance is substantial.
It is substantial in that it is four-fifths of the required setback, but I don't think it's substantial in the scope of this type of application in a commercial neighborhood or with respect to the Town itself.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.
No I don't believe it will and in fact the applicant has taken steps to mitigate any potential adverse conditions in their shifting around of the impervious and pervious areas that are being paved.
5. Whether or not the alleged difficulty was self created.
Only to the extent that they want to get access for trucks to load and unload.

Roll Call Vote:

G. Wunner	In Favor
K. Sheil	In Favor
P. Vink	In Favor
R. Cassidy	In Favor
C. Lucchino	In Favor
D. Keiser	In Favor
T. Froessel	In Favor

The motion to grant the variance as stated in the motion passed by a vote of 7 to 0.

The motion to approve the Meeting Minutes of July 18, 2016 was introduced by Chairman Froessel, seconded by Boardmember Lucchino and passed all in favor.

Respectfully submitted,
Cathy Chiudina