

TOWN OF NEW WINDSOR

ZONING BOARD

January 14, 2013

MEMBERS PRESENT:      MICHAEL KANE, CHAIRMAN  
                             FRANCIS BEDETTI  
                             RICHARD HAMEL

ALSO PRESENT:      GEOFFREY CHANIN, ESQ.  
                             ZONING BOARD ATTORNEY

                             NICOLE PELESHUCK  
                             ZONING BOARD SECRETARY

ABSENT:      PATRICK TORPEY  
                             HENRY SCHEIBLE

MEETING AGENDA:

1. Burger King
2. McDonald's
3. Morning Pond Florist

**REGULAR MEETING:**

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals meeting for January 14, 2013 regular session to order.

APPROVAL OF MINUTES DATED 10/22/12

MR. KANE: Motion to accept the minutes of October 22 only, not November they weren't posted yet.

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI                      AYE

January 14, 2013

2

MR. HAMEL  
MR. KANE

AYE  
AYE

PUBLIC HEARINGS:

BURGER KING (PAUL LENOWICZ) (12-36)

MR. KANE: Burger King, Paul Lenowicz. Proposed Burger King facade signs, they already have variances for four facade signs, however, the replacement facade signs are larger. The first facade sign is 1 foot 2 inches by 23 foot 10 inches which needs a variance of 13 feet 10 inches in width. The second and third facade signs are both the same size and sign. They are five feet in a circle diameter, which requires a variance of 2.5 feet in height located at 366 Windsor Highway in a C zone. Before we continue with this meeting and for the other public hearings that we have tonight, we only have three board members here tonight. And the way the voting goes in the Town of New Windsor you need three yes votes to get approved, which means tonight it would have to be unanimous. So what we do do is we offer you the opportunity to table the vote until we have a full board at the next meeting. It's totally your choice, we'd like to be fair to people and give them a shot. So depending on how you feel the meeting went, if you want to wait for the full board, we'll give you that opportunity if not we'll go ahead and vote and we'll ask you that at the end of the meeting. So same as the preliminary meeting, just tell us name, address, what you want to do.

MR. LENOWICZ: Paul Lenowicz, 2303 Lamson Road, Phoenix, New York 13135, construction manager for Carols Corporation. We own and operate the Burger King here in Vails Gate and applying for three variances for our signs. The signs are typical for Burger King, they are corporate standards dictated to us by Burger King Corporation.

MR. KANE: The signs illuminated in any way?

MR. LENOWICZ: Yes, they are, they are internally illuminated.

MR. KANE: Non-flashing?

MR. LENOWICZ: Non-flashing. And prior to we had four signs, we had an additional sign on the back of the building which we have removed and are not seeking to put back.

MR. KANE: So you're going to have a total of three

facade signs now instead of--

MR. LENOWICZ: Three, two ground and one Home of the Whopper.

MR. KANE: And we're doing away with one sign?

MR. LENOWICZ: Yes, one was 30 inch logo along with the Burger King letters.

MR. KANE: Questions from the board?

MR. BEDETTI: I'm good. I recall this from the preliminary meeting.

MR. CHANIN: I have a question. Procedurally, does the applicant need an amendment to amend his prior variance to reflect the variance for three instead of four signs?

MRS. PELESHUCK: This will do it.

MR. CHANIN: Okay, that was my question.

MR. KANE: So part of the vote at the end of the meeting will be doing away with the existing fourth variance that you have.

MR. LENOWICZ: Okay.

MR. CHANIN: Which means if you want to add another sign in the future you have to come back.

MR. LENOWICZ: Okay.

MR. KANE: Do you know about how many feet you are from 32?

MR. LENOWICZ: Yes, approximately 76 feet.

MR. HAMEL: Are these the new standard type signs for all of the Burger Kings?

MR. LENOWICZ: Yes, they are.

MR. HAMEL: What's the height here on the, where the round sign is going, do you know what the height is for that?

MR. LENOWICZ: About 17 feet.

MR. KANE: Further question from the board at this time? If not then what I'm going to do at this point is open it up to the public, ask if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting, bring it back to Nicole and ask her how many mailings we had.

MRS. PELESHUCK: On the 26th day of December 2012, we mailed out 126 addressed envelopes and I received no written response back.

MR. LENOWICZ: I received four of them back undeliverable.

MRS. PELESHUCK: Thank you.

MR. KANE: A hundred and twenty-six?

MR. LENOWICZ: Yeah, that was a lot.

MR. KANE: Used to be certified mail.

MR. LENOWICZ: Expensive too.

MR. KANE: Further questions from the board at this time? No further questions, I'll accept a motion.

MRS. PELESHUCK: If he wants.

MR. KANE: I get into a roll, if you want, yes. We're giving you the opportunity, you can either go with the three of us voting on it or wait for the full board which would be our next meeting is the 21st.

MR. LENOWICZ: Let's do it now.

MR. KANE: I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant a variance to Burger King for facade sign, three facade signs five foot circle that will require a one and a half foot height variance at 366 Windsor Highway in a C zone.

MR. KANE: Let me add this.

MR. BEDETTI: Excuse me, I need to modify, as well as a facade sign that requires under the new code is 11 foot

10 inch width variance.

MR. KANE: Okay, this will also include doing away with the fourth variance, fourth sign that you had on the building so that variance will no longer be.

MR. LENOWICZ: Yes.

MR. KANE: Second?

MR. HAMEL: Second it.

ROLL CALL

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

MR. LENOWICZ: Thank you.

MRS. PELESHUCK: Here are the next steps for the building department, I'll call you when your permit's ready.

MR. LENOWICZ: Good, thanks a lot.

MR. KANE: Have a good evening.

MC DONALD'S (12-43)

MR. KANE: Tonight's next public hearing is McDonald's. Proposed demo and rebuild of McDonald's. Variances needed are for the front yard setback and the existing non-conformance of lot width. The other variances needed are for multiple signs.

MR. CAHILL: Good evening, Steve Cahill from Bohler Engineering on behalf of the McDonald's U.S. as applicants. I just have a couple exhibits to show you for the variance as requested. Briefly, as mentioned, McDonald's is looking to rebuild their site as part of the nationwide rebuild redevelopment program. And one of the significant changes in their redevelopment or rebuild is the heavy focus on drive-thrus. The building itself is relatively about the same location, about the same size, few less seats inside. What they have discovered is larger portion of the business is through the drive-thru than used to when they first built these 30 years ago. The expectation was 50-50 split between inside and outside and as our culture and society has developed, they have discovered in excess of 60 to 65 percent, some locations higher than that go through the drive-thru. What they have proposed to do with that, so the big change here is that essentially with the building going back and being reconstructed we're proposing what we call a side by side drive-thru which is essentially two drive-thru ordering points next to each other. And I will refer to the rear of the building with that. What that does is gives the ability for two people to order at one time and truly improves the overall efficiency of McDonald's' operations to get their customers their food faster. In this redevelopment, there are a few less parking variances. We're not requesting a variance for that but we're requesting two variances relative to the site aspect. One is a lot width and the existing lot is 149.99 feet, where 200 feet is required. We're requesting that variance. You can see from this the property on either side of us to the north and south are developed immediately adjacent to us with operational aspects of their buildings and their sites adjacent to us, there's no additional land for that so we're respectfully requesting a variance for a existing non-conformance for 149.99 feet less than the required 200. In addition to that, there's a front yard setback variance requested, 60 feet is required and we're proposing 34.8 feet. Essentially, the existing building is 44 feet but if you notice the site has the

play place or the outdoor play area right up on the road, about five feet with the fence and bollards, five feet off the right-of-way. Yes, we're requesting the variance for the front yard setback but we're pulling the structures off and that's associated with the building being further back.

MR. KANE: Playground is going?

MR. CAHILL: Playground would be gone. If you notice for the site our driveways are staying in the exact same location in the front of the building. As I mentioned, it does slide forward a couple feet but the play area in front of the building is being eliminated and providing a recirculation lane so in the event you come through, you don't get a parking stall, you forget something, you have the ability to go back into the site without going out into the road. It's a very standard layout for McDonald's throughout the country, works much more efficiently for the customers. So again, the improvements here from a circulation standpoint the elimination of the structures in the front and really improving the front from a visibility standpoint from the exiting driveway, you'll be able to see a better line of sight along Route 32. So we think this is, this variance is justified by the fact of bringing the building to the point that we have, it gives us enough room to provide the side by side drive-thru, we need that area to have the actual drive-thrus in back. So that's the reasoning why we're requesting that variance. It can't sit back 60 feet and in essence, I think we have accounted from a design standpoint eliminating structures in the front to justify the granting of that variance. Those are the two primary site variances. In regards to signage, we're requesting sign variances associated with this. What may be most appropriate is to go to the existing photos to help describe and the proposed photos of the elevation for the building. First and foremost because we're going to be requesting a variance for the number of freestanding signs, you're allowed one and there's currently three per your ordinance, which is essentially pre-sell menu, a menu board for the drive-thru and existing freestanding I.D. sign that's along 32. As part of this application, the existing I.D. sign is standing as is, we're not touching it, what we're discussing is the menu boards in the back of the site which I'll call them operational directional signs that are basically required for the operation of this facility. Because we're adding one additional

ordering point, we need to add another menu board so that's the variance. We have the existing pre-sell board, we're just relocating it and we have a menu board, again same size, it will be a new one but it's essentially providing the same information, the menuing, the menu, the ordering items and it's internally illuminated so the customers can see it. But primary point of this is they're behind the site not visible to the traveling public, not a clutter of signs as you're going down 32, you're not going to see them, they're behind the building and they're required for the operation of the drive-thru business. So again, we'd be requesting a variance for the additional freestanding height sign. So in regards to the next sign variance we're requesting it's, I'll point to the existing photos, took two photographs of the building the M logo on the drive-thru side you can see here, there's also one on the non-drive-thru side where the two entrance points are in between the entrance points so there's two M logos there. We're requesting three logo signs again on the drive-thru side, non-drive-thru on the front of the building, the variance associated with the M logo is the allowable height, the allowable height of the M per your ordination is two and a half feet and this logo is three and a half by four feet. The existing one is three feet by four feet so it exceeds your ordinance currently but we're putting a new one up for this look. And I just want to point out this is a generic elevation, not the exact one that's here in terms of colors and things the operator will pick that, but the signage in terms of the M logos and the McDonald's are what we'd be looking at. This is part of the corporate logo, there's really no opportunity to change it to a smaller one. They don't have another one that's two and a half feet high because of the size we get to the point where the geometry would not be visible from the street. So with that, we'd be requesting the height of the logo from two and a half to three and a half feet for the logo and those are on three sides of the building. In regards to the next variance that's related to the width of the wall signs, the word McDonald's has an 18 foot width where your ordinance allows 10 feet. It's the exact same sign in terms of overall letters, it's actually reduced in height, if you can see on the front we have the big arch with the M, we have reduced it with the more modern look but it's the same length and the area of the sign is again is 2.3 feet high by 18 feet long with total area of 21.25 square feet, so we're adding an additional sign on the building which

would be referred to on the drive-thru side of the building or the south side of the building. So they are the variances associated with this and I hope I have explained them all and didn't miss anything relative to those. If there's any questions?

MR. KANE: Signs illuminated?

MR. CAHILL: All internally illuminated.

MR. KANE: Non-flashing?

MR. CAHILL: Non-flashing. Actually use LED lights on the inside of the panel for less energy consumption.

MR. KANE: As far as lot width that's an existing non-conforming use for that property in the any case so we're just cleaning that up for the record.

MR. CAHILL: Correct.

MR. KANE: Questions from the board right now?

MR. BEDETTI: The M signs you said are how high?

MR. CAHILL: Three and a half feet, you can see, by four feet wide, and it's, you know, they're essentially replacing the older M logo. There's one on the building there on the drive-thru side, I don't know if it helps you to see it, they exist but we're coming into the compliance and--

MR. KANE: Those are internally illuminated also?

MR. CAHILL: Internally illuminated, correct.

MRS. PELESHUCK: That's a new code but they're also considered facade signs. The new code is three and a half by 12 and that just came into effect so your variances are now lessened.

MR. CAHILL: Because you're allowed three and a half foot in height?

MRS. PELESHUCK: Right, so you're actually allowed that sign but now you're exceeding the number of facade signs.

MR. BEDETTI: You're not violating the height anymore.

MR. CAHILL: Okay, so we have eliminated that, that's good news. But we're requesting three of those and again, they're over the primary entrance location along the north side of the building, along the front of the building and up close to the street on the south side of the building for visibility and again as you come through the drive-thru.

MR. KANE: At this point--

MR. BEDETTI: Just one quick question. Your menu boards they're not elevated signs? They're about how high?

MR. CAHILL: The maximum height about seven feet.

MR. BEDETTI: Maximum height?

MR. CAHILL: Yes.

MR. BEDETTI: From the ground up?

MR. KANE: Twenty inches off the ground.

MR. CAHILL: It's essentially the same size as what's out there today but we have two of those and again, they're located at the rear of the site in the drive-thru locations.

MR. BEDETTI: They're not visible from the street?

MR. CAHILL: They're not visible to the traveling public on the roadway but they are essential to the operation of the facility.

MR. BEDETTI: I'm good.

MR. KANE: At this point, I'm going to open it up to the public, ask if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting, ask Nicole how many mailings we had.

MRS. PELESHUCK: On the 31st day of December 2012, we mailed out 33 addressed envelopes and have received no written response back.

MR. KANE: Bring it back to the board for further questions.

MR. HAMEL: The one question that I have and it's probably not the time to bring it up, not the right board, is I was over, I was at McDonald's during the holidays for my grandchildren and it's very difficult to make a left-hand turn out of there, is that something we could suggest?

MR. KANE: No.

MR. HAMEL: I didn't think so.

MR. KANE: We can't touch that.

MRS. PELESHUCK: The planning board is reviewing it.

MR. HAMEL: Okay.

MR. BEDETTI: Just I'll ask a question along the same line now. Am I correct in understanding that the new exit is going to go to the light?

MR. CAHILL: No, right now we still have our current driveway locations as they exist today in the same movements as we've been.

MR. KANE: So the northern one is the entrance, southern one is the exit?

MR. CAHILL: Correct.

MR. KANE: Planning board takes that with the new building, that's not under our purview. Further questions?

MR. BEDETTI: I'm good.

MR. CHANIN: Might it be a good idea just to specify for the record exactly how many and which variances the board is voting on?

MR. KANE: Yes. So I guess that's going to fall on me. So we need to vote on a existing non-conforming lot width required is 200 feet, they have 149.99, they need a 50.01 foot variance on lot width, and required front yard is 60 foot is required, proposed 34.8, they need 25.2. Then we go to the signs, they're permitted one freestanding sign, they're proposing four, need a variance of three pieces we need a variance of on the height?

MRS. PELESHUCK: No more height.

MR. CAHILL: That's been eliminated.

MR. KANE: Square foot changed, didn't it, instead of 64 which is 32 times two, it would be the 40.

MR. BEDETTI: Do that again.

MRS. PELESHUCK: How many square feet?

MR. BEDETTI: Forty-two square feet.

MR. BEDETTI: Now we're talking facade signs?

MR. KANE: No, these are the freestanding.

MRS. PELESHUCK: Freestanding is 64.

MR. KANE: Sixty-four square feet, proposed is 100 because of the number so they need 106 square feet. Wall signs, they're permitted two, proposed is seven, they're requesting five in the variance of which three are going to be the M emblem and then you have the McDonald's up on the top.

MR. CAHILL: Yes.

MRS. PELESHUCK: Is the McDonald's on all three sides?

MR. CAHILL: Two sides and then there are two welcome signs from a number standpoint and they're over the entrance doors and they're not internally illuminated, there's a little light that washes them but not internally.

MRS. PELESHUCK: So you're allowed two facade signs since you have the two entrances.

MR. CAHILL: Two different sides of the building, right.

MRS. PELESHUCK: You need five for a variance.

MR. KANE: Variance request would be five and nothing's needed to be done, okay.

MR. CAHILL: Now, is the overall width, you said the width was changed to three and a half by 12?

MRS. PELESHUCK: Right.

MR. CAHILL: Still need a variance for the width of the McDonald's sign.

MRS. PELESHUCK: The old McDonald's was what?

MR. CAHILL: Eighteen before.

MRS. PELESHUCK: That's why it's not in there.

MR. CAHILL: So as long as, but there's a new one on this side that was 18 feet.

MRS. PELESHUCK: There was always two McDonald's, wasn't there?

MR. CAHILL: No, just the one, M logos, but there's only one word McDonald's on the front of the building.

MRS. PELESHUCK: So we'd need for the length.

MR. CAHILL: So we need the length, a variance for the length of 18 which is greater than 12.

MR. KANE: So it's going to be six feet, that's on the one.

MRS. PELESHUCK: For both.

MR. KANE: Right, you have two.

MR. CAHILL: Make it for both because we're taking down the old one and putting the new one up.

MR. KANE: Further questions?

MR. BEDETTI: Would you recap the numbers please?

MR. CHANIN: It's a good idea. Firstly, the existing lot width code requires 200, the proposal is 149.99. And therefore, a variance is needed of 50.01 on the lot width.

MR. BEDETTI: Wasn't that a pre-existing?

MR. KANE: It was a pre-existing, non-conforming so they're going to get it on the books now which we have done before.

MR. BEDETTI: Okay, fine.

MR. CHANIN: And the next one is the front yard where the code requires 60, the proposal is for 34.8 and that requires a variance of 25.2.

MR. KANE: Correct.

MR. CHANIN: That was front yard, the code allows one freestanding sign, the proposal is for four so you need a variance for three additional freestanding signs, that's just in terms of the number of signs. Next freestanding sign area square footage of that sign code requires 64, limits to you 64, the proposal is for 100, so that requires a variance of--

MR. KANE: Proposal's for 107.

MR. CHANIN: I'm sorry, so that requires a variance of 106.

MR. KANE: Correct.

MR. CHANIN: How many signs is that for, just one?

MR. KANE: That's for the three.

MRS. PELESHUCK: All four.

MR. KANE: For all four signs.

MR. CHANIN: All four freestanding signs.

MR. CAHILL: No, not the, are you including existing I.D. sign?

MRS. PELESHUCK: You have to have square footage.

MR. CHANIN: So the code requires a limit of all signs totaled together of 64 and the proposal is for 170 so that requires a variance of--

MR. CAHILL: No, the total area of all the freestanding signs which includes the freestanding sign which is 170 and then the menu boards are each 43.66 and the one pre-sell is 10.19, so the total is 223.85.

MRS. PELESHUCK: But that freestanding sign never had a variance, this is what we came up with that freestanding sign that's been there forever never had a

permit or variance.

MR. CAHILL: So we're granting it now but the total area is greater than 170, it's 223.

MRS. PELESHUCK: Right, 170 is only that freestanding sign, that big one that didn't have anything.

MR. CHANIN: So in this next variance that we're talking about individually is that a variance for that one?

MRS. PELESHUCK: For the one freestanding.

MR. CHANIN: And that one freestanding sign is what, a menu board?

MRS. PELESHUCK: No, it's the big freestanding sign, no menu boards in that.

MR. KANE: Menu boards are not in the area of discussion.

MR. CHANIN: As for the one freestanding McDonald's sign, the total area of it is limited by the code to 64, the proposal is for 170 requiring a variance of 106. Next the code allows only two facade signs, the proposal is for seven, so you need a variance allowing the five additional ones, of those five additional ones, specifically three of them will be McDonald's emblem and two of them will be the McDonald's sign on the sides of the building, is that correct?

MRS. PELESHUCK: The front and the side.

MR. CHANIN: Front and side, alright. And the last one I have is that in terms of the length of the McDonald's sign on the sides of the building the code limits the length to 12 feet, the proposal is for 18 feet for each of them so that each of those signs require a six foot length variance.

MR. CAHILL: Correct.

MRS. PELESHUCK: Do you see where I am with the freestanding?

MR. CAHILL: Yes, I've got it now, thank you for correcting me, thank you.

MR. CHANIN: And the variance granted with respect to the signs would include the fact that you're replacing four freestanding signs with three and therefore henceforth you'll be permitted three but if you want to add an additional freestanding sign later you'll have to come back.

MR. CAHILL: No, no.

MRS. PELESHUCK: No, what are you talking about?

MR. CAHILL: The freestanding, we had three existing and we were going to four.

MRS. PELESHUCK: Yes, the menu boards are considered freestanding signs, two of those, one pre-sell and then the big--

MR. CAHILL: Currently, we have three.

MR. CHANIN: The one that's being eliminated is Burger King.

MR. CAHILL: We're going from three to four.

MR. CHANIN: Never mind, so that which total the way we have described as a total of six variances.

MRS. PELESHUCK: Yes.

MR. KANE: So in your proposal when I ask for one just say variances as stated on the record.

MR. CHANIN: Except you have to ask the gentleman.

MR. KANE: No, we're going to get there. Any further questions? Then I'll accept a motion.

MRS. PELESHUCK: If he wants to go forward.

MR. KANE: I'm going home.

MR. CAHILL: Yes.

MR. BEDETTI: I'll make a motion that we grant the variances requested to McDonald's as stated.

MR. HAMEL: Second it.

ROLL CALL

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

MR. CAHILL: Thank you very much.

MRS. PELESHUCK: Your next step is to submit plans with the variances on it to the planning board to be put on the next planning board agenda when you guys are ready.

MR. CAHILL: Thank you very much.

MORNING POND FLORIST - ANTHONY SCULLEY (12-42)

MR. KANE: Tonight's last public hearing Morning Pond Florist, Anthony Sculley. Proposed two additional four foot by eight foot canvas signs. A variance is needed for two additional wall signs located at 648 Route 32 in a C zone.

MR. CHANIN: You are Mr. Sculley?

MR. SCULLEY: Yes, I am.

MR. CHANIN: Now's your time to step forward and state your name.

MR. SCULLEY: Anthony Sculley and there's an E in Sculley, 7 Pat Road, Newburgh, New York.

MR. CHANIN: Tell us briefly and succinctly what you want.

MR. SCULLEY: Okay, I'm speaking on behalf of the proprietor of the florist shop who's Michael Quan who was here at the last meeting and he had up two canvas signs which we did not know were not approved, did not meet code. Once we found they did not meet code, we took them down cause we didn't want to be in violation of the code. And then we went to see Nicole to find out what we had to do and they gave me a list of the code specifications and we went to a local business person who makes signs in New Windsor, Leif Signs and told him that we wanted a sign that would meet code and I believe at the last meeting I gave you all a copy of his estimate with specifications and he had down for a four by eight framed aluminum sign with break form flashing installed on the walls but we, the code is for 3.5 to be the maximum height so the letter that went out stated that it would be 3.5 by eight wall signs. And the reason to request this is that Mr. Quan has said that his business has fallen off 20 percent since he took down the canvas signs so we obviously want to try to help his business, keep him in business so the request then is for the variance for two wall signs.

MR. KANE: The proposed signs, two additional proposed signs, wall signs illuminated in any way?

MR. SCULLEY: No.

MR. KANE: The old signs that were there, how long were

they up?

MR. SCULLEY: I only took this property over as a family inheritance in April and I say I, me and my 13 cousins, so I would guesstimate that they probably have been up there by seeing how frayed they were and weather beaten I would say at least five, seven years.

MR. KANE: Probably pushing 10, personal experience, probably more like 10 years. And during that time and to your knowledge, any complaints formally or informally?

MR. SCULLEY: Not to my knowledge because but as I said, I really wasn't involved until we inherited the property.

MR. KANE: At this point, I'm just going to skip right through and open this up to the public, ask if there's anybody here for this particular hearing? Seeing as there's nobody in the audience, we'll close the public portion of the meeting and ask Nicole how many mailings we had.

MRS. PELESHUCK: On the 31st day of December 2012, we mailed out 28 addressed envelopes and received no written response back.

MR. KANE: Guys, when you're looking at this on your paper says two additional four by eight, but it's three by fives and canvas is totally out.

MR. SCULLEY: Absolutely.

MR. BEDETTI: These are three by five or three and a half?

MRS. PELESHUCK: Three and a half by five.

MR. SCULLEY: Three and a half by five, I got confused, three and a half by five by eight.

MRS. PELESHUCK: Three and a half by eight.

MR. BEDETTI: And the nature of the lettering on that?

MRS. PELESHUCK: The back back page.

MR. BEDETTI: Is that it?

MR. SCULLEY: Yes, basically that's it.

MR. BEDETTI: That's what it would be?

MR. SCULLEY: Yes, essentially.

MRS. PELESHUCK: How big is the sign going to be?

MR. SCULLEY: Whatever we sent out.

MRS. PELESHUCK: From your notes, from your notes, how long is the sign?

MR. SCULLEY: Well, when Mr. Lief did a four by eight but he must of not known that the code was 3.5 and I said to him, you know, you do this in New Windsor and I guess he just maybe forgot.

MRS. PELESHUCK: That's fine.

MR. SCULLEY: So we want to meet code, we're not looking to exceed or ask for any waiver for the size of the sign, the only waiver we're asking is to put the signs up.

MR. CHANIN: Made out of aluminum and non-illuminated?

MR. SCULLEY: Yes, they're non-illuminated and made out of aluminum because I asked Nicole, I actually brought in different types of materials and I asked her what would be acceptable.

MR. CHANIN: That's fine, that's all I wanted to know.

MRS. PELESHUCK: Just wanted to make sure.

MR. KANE: Any further questions from the board at this time?

MR. HAMEL: Yes, I'd like to ask one other question, maybe two questions. It says you're allowed one sign, is that the florist sign?

MR. SCULLEY: Just says florist, exactly.

MR. HAMEL: My second question is the telephone numbers in the windows, is that acceptable?

MRS. PELESHUCK: Yes.

MR. HAMEL: Okay.

MR. KANE: Further questions?

MR. HAMEL: That's it.

MR. BEDETTI: I have one question and one comment, you don't have a freestanding sign, is that correct?

MR. SCULLEY: No, we--

MR. BEDETTI: I don't think they have a freestanding sign.

MR. KANE: Not that I know of.

MRS. PELESHUCK: They do not, we have been over and over this file.

MR. BEDETTI: So the only thing that currently exists, the florist sign and you took the other canvas signs down so the only one, there's no freestanding sign.

MR. SCULLEY: Correct.

MR. BEDETTI: And these things in the window there says I guess it says Morning Pond.

MR. SCULLEY: Is that his phone number?

MRS. PELESHUCK: Yes.

MR. BEDETTI: Are they still there?

MR. SCULLEY: I believe they are, yes, I mean, we would have taken them down if they were in violation.

MRS. PELESHUCK: Anything inside the windows they're allowed to have.

MR. BEDETTI: Yeah, I couldn't tell, I didn't know whether they were inside or outside.

MR. SCULLEY: They're inside.

MR. BEDETTI: The only comment I have relative to something like that maybe give you an idea of your choice that you want to make is I personally have a problem with putting large signs up on the sides of buildings like that, I mean, makes the side of the

building more like a billboard, you know. And I visualized other stores in the town with the same kind of option to do the same thing.

MR. SCULLEY: How about the front and the back, when you say side, do you mean, just mean the side?

MR. BEDETTI: On any of the four sides. You know, you have the florist sign and I know we're, at least one of the wall signs was on the Route 94 signs, I remember that one distinctly, that's the only other comment that I have.

MR. SCULLEY: Okay.

MR. KANE: Okay, so choice becomes yours, do you want us to vote tonight or wait?

MR. SCULLEY: I'm sensing that I will probably get a negative vote and so I can come back on the 21st when there's a full board.

MR. KANE: The 28th.

MR. SCULLEY: And take my chances.

MRS. PELESHUCK: We're not going to be able to do it on the 28th.

MR. KANE: We don't, which would have to go into February.

MR. SCULLEY: Is it okay if I do it this way feeling that--

MR. KANE: Absolutely.

MR. SCULLEY: I respect Mr. Bedetti.

MR. KANE: Other boards wouldn't even offer what we do.

MR. SCULLEY: You tipped me off and I thank you very much.

MR. KANE: It would be Monday the 11th, February 11, yeah, cause we can't do a public hearing without our savior.

MR. CHANIN: Yes you could.

MR. SCULLEY: That's not a president's holiday, is it?

MRS. PELESHUCK: If it is, I'll call you and let you know when it is.

MR. SCULLEY: So I have to do a re-mailing?

MR. KANE: No, you're done, you're coming in for a vote.

MRS. PELESHUCK: We're going to table it, the public portion is closed.

MR. KANE: The guys that aren't here will read the minutes from tonight.

MR. SCULLEY: I'll come back and we'll go through this process again.

MR. BEDETTI: Good choice.

MRS. PELESHUCK: I'll let you know when the next meeting is.

MR. SCULLEY: Call me or stop in?

MRS. PELESHUCK: No, I'll give you a call in the morning.

MR. SCULLEY: Thank you, I appreciate it. So we're looking at February 11?

MR. KANE: That's the way I see it.

MRS. PELESHUCK: If it's not a holiday.

MR. SCULLEY: I think the President's Day is February 18 but some municipalities take off for Lincoln's Birthday.

MR. CHANIN: February 18 is the President's Day, I know for a fact.

MRS. PELESHUCK: So it would be the 11th.

MR. SCULLEY: So February 11.

MR. KANE: Yes, sir, appreciate it.

FORMAL DECISION

MS. PELESHUCK: Formal decisions we're skipping.

MR. KANE: Motion to adjourn?

MR. HAMEL: So moved.

MR. BEDETTI: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer