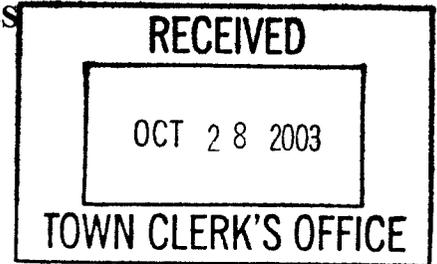




TOWN OF NEW WINDSOR

ZONING BOARD OF APPEALS
Regular Session
Date: SEPTEMBER 22, 2003



AGENDA:

7:30 p.m. – Roll Call

Motion to accept minutes of 8- 11- 03 AND 9- 8- 03 meeting as written.

PRELIMINARY MEETINGS:

1. **VINCENTE & SOROCCO MAMAAT (#03-34)** Request for 11 ft. Rear Yard Setback for proposed deck at 15 San Giacomo Drive in an **R-4 Zone (75-1-5)**
2. **LAWRENCE REIS (#03-44)** Request for 20 ft. Front Yard Setback for proposed screen porch at 22 Willow Lane in an **R-4 Zone (42-2-1)**
3. **SCHLESINGER'S DELI DEPOT (#03-45)** Request for 6" Height and 12' Width for wall sign at 904 Little Britain Road in an **NC Zone (3-1-23.2)**
4. **LUIS ROSATO MAISONET (#03-46)** Request for 33 ft. Side Yard and 83 ft. Rear Yard Setbacks for proposed deck at 409 Old Forge Hill Road in an **R-5 Zone (71-1-6)**
5. **4 ACRES LLC (HANNAFORD'S) (#03-47)** Request for various sign variances (as listed) all at Rt. 32 and Rt. 94 in a **C Zone (70-1-16.2 & 70-1-2.21)**

PUBLIC HEARINGS:

6. **TRAN NGUYEN (#03-39)** Request for 12 ft. Rear Yard Setback for proposed deck at 2419 Settlers Ridge (The Reserve) in an **R-3 zone (77-11-5)**

Myra (845) 563-4615

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
SEPTEMBER 22, 2003

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
MICHAEL REIS
STEPHEN RIVERA
JOSEPH MINUTA

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: LEN MCDONALD

REGULAR MEETING

MR. KANE: I'd like to call the September 22, 2003 meeting of the New Windsor Zoning Board of Appeals to order.

APPROVAL OF MINUTES DATED 8/11/03 & 9/8/03

MR. KANE: Can I have a motion to accept the minutes of 8/11/03 and 9/8/03?

MR. REIS: Make the motion.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. KANE: Tonight what we're going to do is we're going to have just a little change in our schedule, we're going to take our public hearing first then go into the preliminary hearings.

PUBLIC HEARING:

TRAN NGUYEN(#03-39)

Mr. Tran Nguyen appeared before the board for this proposal.

MR. KANE: Request for 12 ft. rear yard setback for proposed deck at 2419 Settlers Ridge in an R-3 zone. Similar to the preliminary hearing, tell us what you want to do, sir. You want to repeat what we did at the preliminary hearing.

MR. NGUYEN: Yes.

MR. KANE: You have to do it all over again, tell us what you want to do.

MR. NGUYEN: So I want, I want, the deck is 16 x 30 so on the plan I draw everything here.

MR. KANE: So you want to put up a 16 x 30 deck?

MR. NGUYEN: Yes.

MR. KANE: Is the size of the deck similar in size to other decks in the neighborhood?

MR. NGUYEN: My neighborhood nobody have a deck.

MR. KANE: But it's not an unusually big deck, it's a fairly normal size?

MR. NGUYEN: Normal size.

MR. KANE: Will you be cutting down any trees or creating any water hazards with the building of this deck?

MR. NGUYEN: No, sir.

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MR. KANE: Is it on any easements?

MR. NGUYEN: No.

MR. KANE: And I see you have a fairly steep stairwell off the back of your home. Without a deck there, it would be a safety issue not to have the deck?

MR. NGUYEN: Yes.

MR. KANE: And you think it will be safer than having the fairly steep stairs that you have right now?

MR. NGUYEN: Yes.

MR. KRIEGER: How is the parcel served, municipal water and sewer or well and septic, how do you get your water?

MR. NGUYEN: The water from the public.

MR. KANE: Public water.

MR. BABCOCK: It's town water and town sewer.

MR. MINUTA: Is this deck to be enclosed at any time?

MR. NGUYEN: Excuse me?

MR. MINUTA: Are you planning on enclosing the deck at any time?

MR. NGUYEN: Yes.

MR. MINUTA: So it is going to be an enclosed deck?

MR. KANE: You're going to cover the deck over?

MR. NGUYEN: Oh, no, no.

MR. MINUTA: Thank you.

MR. KANE: We'll take this moment to open it up and see if there's anybody in the public for this particular meeting. Seeing as there's no one, we'll close it and bring it back to the board. Gentlemen, any further questions?

MR. REIS: Notices sent out?

MS. MASON: On September 10, 32 addressed envelopes containing the notice of public hearing were mailed out, no responses.

MR. REIS: I think we covered it. Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we pass Mr. Hguyen's request for his variance of a 12 foot rear yard setback for a proposed deck at 2419 Settlers Ridge.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. KANE: In a couple of days get in touch with the building inspector.

MS. MASON: Just read that over, it tells you what to do.

MR. NGUYEN: Thank you.

PRELIMINARY MEETING:

VINCENTE & COROCCO MAMAAT(#03-34)

MR. KANE: Request for 11 ft. rear yard setback for proposed deck at 15 San Giacomo Drive in an R-4 zone.

Ms. Corocco Mamaat appeared before the board for this proposal.

MR. KANE: So you want to tell us what you want to do?

MS. MAMAAT: I'm Corocco Mamaat. We're going to demolish an existing deck in the back of my yard which is rotten and was demolished and we want to put it back but we found out that we need a variance and that the door is opening on the second level of the house which is a safety issue because it's supposed to have a landing. And I submitted pictures of the torn deck where the deck was to the board where you can see that it's on the second level.

MR. KANE: So this is replacing a deck that's already existing now and taken down?

MS. MAMAAT: Yes.

MR. KANE: Without it, it is a safety hazard?

MS. MAMAAT: We bought it and we don't know that we didn't have a permit for that.

MR. KANE: Was the deck on the home when you purchased the home?

MS. MAMAAT: Yes, it was on the home.

MR. KANE: Did they take the deck down before the purchase or the sale?

MS. MAMAAT: No, actually, we occupied already for since 1997 and we just demolished it because it was questionable already, it's rotting already.

MR. KANE: So you took it down for that?

MS. MAMAAT: Yes.

MR. KANE: Will you be creating any water hazards or runoffs with the building of this deck?

MS. MAMAAT: No.

MR. KANE: Cutting down any trees or substantial vegetation?

MS. MAMAAT: No.

MR. KANE: The deck will be similar in size to other decks in the neighborhood?

MS. MAMAAT: Most likely so, yes.

MR. REIS: Do you happen to know if you will be crossing over any easements from the town, any water or sewer easements?

MS. MAMAAT: I don't think so because it was an existing deck where we have it is supposed to be only put back for a newer one.

MR. REIS: This location has town water and town sewer, Mr. Chairman.

MR. BABCOCK: Yes.

MR. KRIEGER: Same size as the deck that you took down or bigger?

MS. MAMAAT: Same size but longer, same size going out.

MR. KANE: Same width, a little bit longer on the length.

MS. MAMAAT: Same length but on the width parallel to the house is longer.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we set up Vincente and Sorocco Mamaat for their requested variance for a public hearing at 15 San Giacomo Drive.

MR. BABCOCK: Mr. Chairman, can I adjust one thing to make sure the record is clear?

MR. KANE: Sure.

MR. BABCOCK: The existing deck was 10 x 24, the new deck that she's proposing is 12 x 26 so it's a little bigger both ways just so that the record is clear.

MR. KANE: Fine, that's good.

MR. BABCOCK: Just so there's no problem in the future.

MS. MAMAAT: Thank you.

MR. KANE: When you come back for your, by law, everything we do has to be done at a public hearing, we like to do a preliminary hearing so we can get an idea of what you're doing or if we have any problem, we can tell you so you're prepared when you come to the public hearing, so we'll repeat this whole process at a public hearing, if the board chooses to set you up for one. Gentlemen?

MR. RIVERA: I'll second that motion.

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ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. KANE	AYE

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LAWRENCE REIS (#03-44)

MR. KANE: Request for 20 ft. front yard setback for proposed screen porch at 22 Willow Lane in an R-4 zone.

Mr. Lawrence Reis appeared before the board for this proposal.

MR. M. REIS: I'd like to disclose that the applicant for this variance is my brother and he should be given no mercy.

MR. KANE: He looks like a nice guy. I don't know about you. Okay, Mr. Reis, tell us what you want to do.

MR. L. REIS: I'd like to put a screened-in porch on the northwestern side of my house which borders Lance Avenue out on the corner of Willow and Lance.

MR. KRIEGER: So Mike, he has, by law he has two front yards.

MR. BABCOCK: That's the problem.

MR. KANE: That's the only reason he's here?

MR. BABCOCK: That's correct.

MR. KANE: You'll be cutting down any trees or removing any substantial vegetation?

MR. L. REIS: Just shrubs, no trees.

MR. KANE: Creating any water hazards or runoffs?

MR. L. REIS: No.

MR. KANE: Going across any easements?

MR. L. REIS: No.

MR. KANE: Since it's in the front, will it in any way block the view of traffic in any way?

MR. L. REIS: No.

MR. KRIEGER: When you say it's shrubs, this vegetation isn't indigenous, just something for landscaping?

MR. L. REIS: Landscaping shrubs, I show it in the picture.

MR. REIS: For the record, Larry, can you let the board know what the dimensions of the deck are?

MR. L. REIS: Approximately 20 long to the house and 17 deep, that's approximate at this time.

MR. KANE: Will there be a doorway coming out from the home to the porch?

MR. L. REIS: It's not decided yet, from the home to the porch definitely, but from the porch out probably not.

MR. KANE: And if you didn't, if you did put that in and you didn't have a deck there, that would be considered a safety issue?

MR. L. REIS: Very definitely, yes.

MR. MINUTA: Mike, does the porch need egress?

MR. BABCOCK: We actually haven't got into that, Joe, at this point in time. Once he gets the variance and I'm sure it's going to need that, I don't know whether I misunderstood him but you're saying you may not have an outside door?

MR. L. REIS: May not, Mike.

MR. BABCOCK: You may have to by State Code and we'll discuss that through the building department once you get the variance, if you're required to, we won't give you the building permit unless you agreed to it.

MR. L. REIS: The wife wants it so--

MR. KANE: So you're all set up to go anyway. Gentlemen, any further questions?

MR. RIVERA: Accept a motion?

MR. KANE: Yes, I will.

MR. RIVERA: Make a motion that we set up Mr. Lawrence Reis for his requested 20 foot front yard setback for proposed screened porch at 22 Willow Lane.

MR. KANE: This is for a public hearing, correct?

MR. RIVERA: Yes.

MR. MINUTA: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. KANE	AYE

SCHLESINGER'S DELI DEPOT (#03-45)

Mr. Neil Schlesinger appeared before the board for this proposal.

MR. KANE: Request for 6 ft. height and 12 foot width for wall sign at 904 Little Britain Road in an NC zone. Tell us what you want to do, sir.

MR. SCHLESINGER: We want to install a sign on the building which obviously will not conform to what the standards are, we need to go six inches higher and 12 feet wider. At the present time, there's no sign on the building whatsoever. By the way, the location is the old Big Saver on Route 207, if everybody's familiar with it, freestanding building 1,800 square feet, we did some renovation to it, put new siding on it and the at time there were three signs on the building. The total square footage of the three signs that were existing on the building surpassed what I'm asking for, so whatever value that may have and it's important to me to put the whole name of the business on the sign, Schlesinger's Steakhouse, I'm sorry, Schlesinger's Deli Depot, I'm confused because it's a carryover from the restaurant. So that's why we need the extra space, long name.

MR. KRIEGER: So you'd be having one sign instead of three?

MR. SCHLESINGER: One sign.

MR. RIVERA: Flashing sign?

MR. SCHLESINGER: No.

MR. KANE: Internally illuminated?

MR. SCHLESINGER: Internally illuminated, yes.

MR. KRIEGER: Steady illumination, right?

MR. SCHLESINGER: Yes.

MR. REIS: Neil, this photo--

MR. SCHLESINGER: That's a computer generated sign what it would pretty much look like.

MR. KANE: How far off the road is the building approximately?

MR. JAMES PETRO: About 75 feet from the road.

MR. BABCOCK: The parking space is 20 foot.

MR. KANE: So you think that's a substantial enough sign for that amount of space off the road?

MR. SCHLESINGER: Yeah, that will work great.

MR. REIS: What's the requirement, the maximum requirement?

MR. KANE: Two--

MR. BABCOCK: Two foot six high and ten foot long, that's today's standard and what we did with Mr. Schlesinger, those signs were existing there, they had somewhat, they said something on them, some were missing letters or whatever and rather than get into an issue of whether the signs were there legal or not legal, we asked Mr. Schlesinger if he would just take them all down and come in for a variance for his one sign that he wanted to put up, this way, it cleans it up.

MR. KANE: Because were there three separate businesses there?

MR. BABCOCK: No.

MR. KANE: Were the other signs grandfathered in?

MR. BABCOCK: We decided not to go, even go back there and figure that out.

MR. SCHLESINGER: There's signs all around the building.

MR. KRIEGER: The answer to your question is maybe.

MR. BABCOCK: That's correct.

MR. KANE: Signs similar in height and size to other businesses in the neighborhood?

MR. SCHLESINGER: Absolutely.

MR. KRIEGER: And it's a commercial neighborhood?

MR. SCHLESINGER: Right.

MR. MINUTA: And we're within, aside from the height and width, we're within the required area?

MR. BABCOCK: Yes, there's no required area on the signs anymore, it's just a height and width, that's it, you can't mix up the height or width and make a square footage out of it, it's 2 1/2 by 10.

MR. KANE: Any other questions, gentlemen?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we set up Neil Schlesinger for his requested variance at 904 Little Britain Road for a public hearing.

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MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. KANE	AYE

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LUIS ROSATO MAISONET (#03-46)

MR. KANE: Request for 33 ft. side yard and 83 ft. rear yard setbacks for proposed deck at 409 Old Forge Hill Road in an R-5 zone.

Mr. Luis Maisonet appeared before the board for this proposal.

MR. KANE: This is.

MR. MAISONET: This is the house, this is the deck I want to build, these are the steps that I'm going up from the house to the back yard.

MR. KANE: Okay. What's the actual size of the deck that you're proposing to build?

MR. MAISONET: 12 by 12 plus the aprons.

MR. KANE: Is that similar in size to other decks in your neighborhood?

MR. MAISONET: I think three decks.

MR. KANE: There are three decks and this is similar in size to those?

MR. MAISONET: Pardon?

MR. KANE: Similar in size?

MR. MAISONET: Some of them are 16, yes.

MR. BABCOCK: Just to clear the record, this deck is an L-shaped deck, one side is 17 foot long and the other side is 12, so it's not 12 x 12.

MR. KANE: Thank you, Michael.

MR. MINUTA: Can you rotate that?

MR. REIS: Beautiful.

MR. MAISONET: Thank you.

MR. KANE: Will you be cutting down any trees?

MR. MAISONET: No, sir.

MR. KANE: Cutting down any substantial trees?

MR. MAISONET: Where we live, I've got I think five houses to the right of my house and two houses to the left, each one have their own yard or fencing and each one, you know, they keep their own way, they've got trees all over the place but not--

MR. KANE: You won't be creating any water hazards or runoffs by building the deck?

MR. MAISONET: No, sir no, sir, that's all I need.

MR. KANE: Questions I have to ask. Are you going over any easements? Is there any easements through your property?

MR. MAISONET: What easement means?

MR. KANE: Right-of-way?

MR. MAISONET: No, sir, this is in the back of the house, nothing but a forest right there looks like.

MR. MINUTA: The shape of the deck, is this why you've done it this way, is that for design purposes only or is there a requirement with the stairs below?

MR. MAISONET: I do that because my hobby is doll houses, so I get an idea from doll houses.

MR. KRIEGER: How do you get your water?

MR. KANE: Do you have town water and sewer, your water?

MR. MAISONET: It's in the front of the house.

MR. KRIEGER: Get it from the town or from a well?

MR. KANE: Do you have a well?

MR. MAISONET: No, sir.

MR. KRIEGER: In the front of the house it comes in?

MR. MAISONET: Front of the house.

MR. KRIEGER: How about sewer, where is the sewer?

MR. KANE: Town sewer or do you have septic?

MR. MAISONET: No, town for all services.

MR. KRIEGER: Also in front of the house?

MR. KANE: Front of the house?

MR. MAISONET: In front, everything in front.

MR. KANE: Thank you. Anymore questions?

MR. REIS: No.

MR. KANE: This is a preliminary hearing, so we get some information here and we'll set you up for a public hearing, you'll come back and we'll redo this again for the record. Okay, sir?

MR. MAISONET: All right, thank you very much.

MR. KANE: I'll accept a motion.

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will.

MR. MINUTA: I propose that we grant a public hearing for Mr. Luis Maisonet for a requested 33 ft. side yard and 83 ft. rear yard setbacks for proposed deck at 409 Old Forge Hill Road.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. KANE: Mike, on your notice of disapproval, it has 12 x 12, you don't need to add anything further for the stairway, see on the front?

MR. BABCOCK: No, that's okay, the plan goes with it, I just wanted to make sure that you gentlemen were aware that it was longer on one side for the entrance.

MR. KANE: I just want to make sure it's okay with the paperwork.

4 ACRES LLC (HANNAFORD'S) (#03-47)

MR. KANE: Request for various sign variances (as listed) all at Route 32 and Route 94 in a C zone.

Larry Wolinsky, Esq. and Mr. Douglas Boyce appeared before the board for this proposal.

MR. WOLINSKY: My name is Larry Wolinsky, I'm the attorney for the applicant. With me this evening is Doug Boyce, who is the principle project engineer for this thing. As you know, everything is on its way to being constructed and up. I think the way I will handle this tonight is to allow Doug to give you a general orientation and explanation of the various signs that we're looking for, then I'll go over the details of the variances and then answer any questions that you guys have.

MR. KANE: Can you repeat your name for the stenographer?

MR. BOYCE: Douglas Boyce, civil engineer and site development project manager, Hannaford Brothers Company. And what Mr. Wolinsky is passing out to the board members are smaller size versions of what I'm holding in my hand at the side table. For orientation purposes, I'm going to, I'll presume that most folks know that the Hannaford's Supermarket is under construction at Five Corners site of the former Friendly's Restaurant and vacant property surrounding it. And for orientation purposes, I'll show you the scale which you have a copy of, first sheet that you have been handed, this is the Five Corners intersection, north is essentially to your right, this is a Hannaford's Supermarket building 56,000 square feet under construction, parking lot will be in the front of the building, start on the opposite side, this is Route 32, Cornwall is to the left, this is the old Long John Silver building McDonald's, Mobil Station,

Monro Muffler here and the Sunoco, other small buildings on the corner. Private residential properties to the rear and to the east side. We have two access points for the property, one of which is on Route 94, basically becomes shared access with Monro Muffler. You've probably seen the construction that's going on there recently, widening that driveway substantially curbing it, so on and so forth. And the access drive is already constructed into the property. The second access point is actually going to be signalized access, I'm not sure if the traffic signal equipment has made it in yet or not, but it should be shortly signalized access at this location with a driveway you have no doubt seen constructed on the opposite side of the road going to the Long John Silver property that was to provide an orderly flowing intersection there. So access, we have frontage on Route 32, frontage down here on Route 94 and access at both locations as well. What we're looking or proposing for signage is to have a store front sign at the building entry, feature a side wall sign facing Route 32 and two freestanding or pylon signs, one each on frontage of Route 32 and Route 94. More particularly, smaller drawings that you have in front of you this view is if you're standing down on Route 32 by the front corner of the building in here, from that vantage point, what you'd see if you're looking you'd actually be below the floor of the building at this point looking out to the site, here's the front of the building, this is the side wall facing Route 32, signage at the entry featured on the front signage, on the side wall and the freestanding or pylon sign out next to the right-of-way, actually setback from the street 30 or 40 feet, about 30 feet because the right-of-way is overly wide at that point and one additional freestanding sign, of course similar, actually the same sign as this would be installed down at the site frontage on Route 94 on the opposite side of the driveway from Monro Muffler Brake property. These signs are represented graphically to scale

relative to the scale of the drawing, the building, everything is the appropriate scale for reference purposes, just the building measures 260 feet in length or the width across the front about 260 feet and just a little over 200 feet deep, so the side wall that this sign is on is a little over 200 feet deep and I'll let Mr. Wolinsky, I'll let him course through the actual nature of the variances.

MR. WOLINSKY: Just would add one more thing before I go into the details of the variances that the actual locations of the sign were shown and approved by the planning board as part of the site plan approval process. The dimensions, obviously, were not but the locations were. So the planning board as part of the SEQRA process looked at it with respect to some traffic and visibility issues as well. Here is the list of variances that I have been able to come up with, I think it's fairly comprehensive, taking the freestanding signs first which are the two pylon signs, both signs are 20 feet high, therefore, both signs would require a five foot high sign height variance, your maximum is as I read the code is 15 feet. Both signs because they're double sided have 112 square feet of area, your ordinance only permits 64 square feet of area. So those are the variances we would require for these pylons.

MR. REIS: What was the difference?

MR. WOLINSKY: 48 square feet. The variance request is 48, an additional 48 square feet on the pylons. The facade as was just mentioned in a previous hearing are expressed in your code slightly differently, it's a 2.5 by 10 feet requirement and you're essentially confined to that box. For the front facade which you can see right here which is the, it's a little dark but you can see it on the other side, the front facade, it's a standard Hannaford logo and basically on all the stores and we kind of, we're not exactly sure how you measure

these things because you have essentially the word Hannaford and the logo on top of it but what we did is we took the worst case scenario, so we measured top to bottom and length to length so on that one, the height, the total height is five feet and you were permitted 2 1/2 feet so on that facade, we need 2 1/2 feet and on the length of that one, the 10 foot length and the length of this right here is 25, 27 feet six inches, so then we'd require a 17.6--you know what, I think I've confused things a bit. I see in my, do you have a copy of my handout? In my handout, I did it slightly differently, I did treat these two separately so you'll see they're broken down into each one so the Hannaford letters require 2 1/2 feet and 17 feet 6 inches in length and the Hannaford logo requires 4 feet 2 inches height and no variance for the length. The side facade going back to the side, the side facade again this is to scale, this is pretty much what it's going to look like, so the side facade, the Hannaford letters, these letters right here, 6 foot in height so we'd need a 3.5 foot height variance for those and 33 foot in length, so we would need a 23 foot length variance for those letters and a Hannaford logo is 8 feet high which would require a 5.5 foot height variance and 11 feet 10 inches in length which would require a 1 foot 10 inch length variance. I know these are a lot of variances we're requesting, however, I think if we considered them altogether, there's not many impacts adverse that are associated with them. The character of the signage is not a whole lot different than the kinds of signs that are found with some of the other big boxes in this corridor and I think the reason why we're forced into such a significant variance situation is that the existing code really is not set up for this kind of big box signage. It's more for the smaller commercial uses. And so that's what it is, that's why we're here and we're happy to answer any questions, take any suggestions.

MR. KANE: Start off with this, Michael, we're allowed

one facade sign for the building, correct, are we considering the logo and the facade sign as one sign on the sides and on the front, they're two separate issues, wouldn't there be therefore two front signs and two side signs? If not, then I've seen before where we've taken all that in one shot as far as length and all that we're treating it as separate issues here, so I think to do that, then we need to cover them as extra signs, unless I'm wrong.

MR. BABCOCK: Well, they either need, they would either need a variance for an extra sign or we do one sign out of it and make it square footage and they'd need a larger square footage.

MR. WOLINSKY: I expressed it that way to avoid confusion to try and avoid confusion for the board, so I took them individually, but I treated them for variance purposes I treated this as one facade sign and the front one is one facade sign and basically, we still were only entitled to one facade sign.

MR. KANE: So for the paperwork, the numbers that we need to put this through we have those correct dimensions to treat each as one sign.

MR. WOLINSKY: I can combine those.

MR. BABCOCK: What we're saying I think what we did on our denial, Mr. Chairman, we're saying that they're allowed the two facade signs based on they have two different entrances and they have entrance on 32 and entrance on 94, so we're saying that since one sign faces 94, one sign faces 32, at least this is how my guy did this, he's saying that they're allowed a 2 foot by 10 foot sign and they're allowed a 3 foot 3 1/2 by 10 foot sign if they're 300 feet from the street. Sign A they did a complete square footage of it and sign B they did complete square footage of it so they're saying both signs are permitted.

MR. KANE: Then maybe I'm reading this a little wrong too, it says here there's only one main building, are there two entrances?

MR. WOLINSKY: Well, I didn't have the benefit of this denial letter, I haven't seen it yet but--

MR. KANE: I just want to clear up all the numbers.

MR. WOLINSKY: It depends what you're treating as an entrance.

MR. KANE: Open a door and go in.

MR. BABCOCK: When we were talking the signs we're talking--

MR. KANE: Entrance to the parking lot, to the premises?

MR. BABCOCK: Entrance to the parking lot.

MR. WOLINSKY: I took it the other way.

MR. KANE: Same way I took it.

MR. BABCOCK: So maybe we're wrong in that though.

MR. WOLINSKY: I don't have the code here but I think it just said entrance.

MR. REIS: I read the code again we're just guessing but I think it reflects access to the building.

MR. BABCOCK: Access to the building.

MR. KANE: I believe it's access to the building and I think we went through this with the buildings over in the not Price Chopper but in that plaza with the real

estate or the insurance firm that's over there that wanted to put a sign on the side of the building.

MR. BABCOCK: Let's just go, if we go that route, the square footages of the signs are still correct because they're allowed to have the extra one because they're more than 300 feet off the road, off 94 we're saying, the only addition to this would be, is they need an extra variance of one facade sign.

MR. KANE: So if that's agreeable with you gentlemen, we'll put that in the request to add one facade sign, side facade sign.

MR. WOLINSKY: I have the additional facade sign in my request but that's fine, I mean, we're fine with that.

MR. REIS: Larry, to expedite this process so you don't have to come back here, you want to condense this all tonight.

MR. WOLINSKY: Thank you.

MR. KANE: So Michael, you'll change your paperwork?

MR. BABCOCK: Yeah, I'll go over that.

MR. KANE: Okay, let's take them one at a time and we might as well start with the pylon signs, okay, I think the biggest question that I have here is the placement of the Route 94 sign, is that going to be on your property?

MR. BOYCE: Yes, it is.

MR. WOLINSKY: Our lease, well, there's the five, the main property 5.443 acres, it's on that parcel, okay.

MR. KRIEGER: And that parcel is owned by Hannaford's?

MR. WOLINSKY: No, the entire site is leased, if you look at our application.

MR. KRIEGER: Okay but--

MR. WOLINSKY: The entire site is under long term lease with 4 Acres LLC, which is the Sleepoy family and the sign is on the 5.443 acres.

MR. KRIEGER: Also owned by the same entity?

MR. WOLINSKY: Yes and they merged.

MR. KRIEGER: I understand the two large parcels are now merged into one parcel, the one out on 94 is a separate parcel but under the same ownership.

MR. WOLINSKY: Correct, that's not the location of the sign, so everything where the signs are are on the main site.

MR. BOYCE: The former ambulance corps building that was transferred to 4 Acres LLC, they purchased that and that's actually the location of the Route 94 pylon sign.

MR. KANE: Then can you address the need for the additional five feet on the pylon sign especially the one on 94?

MR. BOYCE: Particularly the one on 94, it's a, the corridor is busy, it's real busy and it's really a line of sight question and how can we get something located there, that's apt to have a good line of sight and do its job which is to be visible to the motorist passing the area. We identified that as being the appropriate height for this sign. It also is partly related to the geometry of the sign and the sides of the sign face itself atop the cabinet, solid cabinet in this case, but the size of the top of the sign warrants placement

on a base that makes the height 20 feet in order to be proportionately correct and not look lopsided or top heavy I guess is probably a better word.

MR. KANE: Is this going to be similar in height to the sign that's with the Foam and Wash across the street?

MR. BOYCE: I couldn't say.

MR. KANE: Could we address that issue? I believe it is but I want to make sure.

MR. WOLINSKY: I think it's definitely similar in size if not a little bit shorter than the signs that mark the entrance to the Shop Rite Plaza, the two big pylons.

MR. KANE: Shop Rite's on 32 a little further away so I want to issue what's right in that particular zone right there, so the biggest sign that I can think of on 94 there would be the Foam and Wash sign and I do believe that's a little bit bigger than the Midas Muffler sign.

MR. WOLINSKY: We'll check that out.

MR. MINUTA: You mentioned the proportioning of the pylon sign, would I be correct in interpreting that you needed to increase the height of that because of the proportion of the upper sign which you're asking for a request to be larger anyway?

MR. BOYCE: Yes.

MR. MINUTA: So because the larger sign, because we're increasing the size of the sign on top, we need to increase the height?

MR. BOYCE: That's correct.

MR. MINUTA: And my next question is why couldn't that not conform to the requirement?

MR. BOYCE: Can you restate the question, please?

MR. WOLINSKY: The requirement in the code for square footage is 64 square feet.

MR. BOYCE: 64 square feet which is--

MR. WOLINSKY: So the question is why couldn't the sign, why can't the sign conform to the 64 square feet?

MR. BOYCE: 64 square feet is 32 square feet per side which for this sign design is diminutive is the best word I could choose, just does not provide the impact that we're looking for here in terms of sign, the illuminated face area of the sign.

MR. WOLINSKY: I think in addition to that I just don't see that limited size square foot sign with this kind of facility, this kind of big box facility anywhere.

MR. MINUTA: I would also say that there are many other facilities locally as far as shopping centers and so forth and I'm just wondering what the impact on this is going to be for this particular locale, as you know, the Five Corners is extremely busy intersection, there's a lot going on there visually and I'm just wondering about the issue of the size and safety of that size within the intersection.

MR. WOLINSKY: In terms of traffic, traffic flow?

MR. MINUTA: In terms of visual, number one, in terms of visual flow which is more a planning board issue but number two, in terms of how will this dominate the other businesses that are in that location.

MR. KANE: While I do agree that it wouldn't be out of

scale on 32, I think on 94 on that road on the side it might be a little bit out of scale. So that's something--

MR. WOLINSKY: We'll research that and come back to you at the hearing with what we find on that.

MR. MINUTA: What I would like to see is you obviously have the ability, wonderful drawings, I would like to see the option of the sign being the required size, okay, what that might look like as compared to what you're proposing. That way, we have apples to apples understanding of what that's going to be and what that impact is.

MR. BOYCE: Want us to try and do that for both sign locations?

MR. MINUTA: I don't see why not.

MR. KANE: You can take a look at that.

MR. BOYCE: The difficulty with the Route 94 location is that it's all, a lot of existing it's all existing, this is easier to model when it's all new but we'll make an effort to get something that makes that comparison.

MR. REIS: The drawing that you provided and again, I've got to say this, these are excellent representations or what you're trying to accomplish and we appreciate that, the pylon sign on 32 that's proportionately as to what you're trying to accomplish.

MR. BOYCE: Yes, it is.

MR. REIS: That's the same size that you want on 94?

MR. BOYCE: Yes. The only difference visually I think is that on 94, everything is flat, whereas, on 32, the

road has a slope, the building is going to be higher up in the air than the street.

MR. KANE: And it's back off the street, I don't know how, I don't have a problem so much with the building signs, just seeing the building going up I can visualize how they're going to look. I don't see that as a problem or too much with the pylon on 32, although if we can get it smaller, I'd love to do it, but the one on 94 I'd like to see that smaller.

MR. WOLINSKY: We'll go back and work on that one.

MR. KANE: I'd like you to address those.

MR. WOLINSKY: Will do.

MR. KANE: Any other questions, gentlemen? And we already covered that it's not flashing illumination, it's a steady.

MR. WOLINSKY: Internally illuminated sign.

MR. KANE: Will your signs--

MR. WOLINSKY: All sign internally illuminated.

MR. BOYCE: Correct.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we set up the 4 Acres LLC Hannaford's for the requested various sign variances on Route 32 and Route 94.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS AYE
MR. MINUTA AYE
MR. RIVERA AYE
MR. KANE AYE

MR. KANE: We'll see you at the public hearing.
Motion to adjourn?

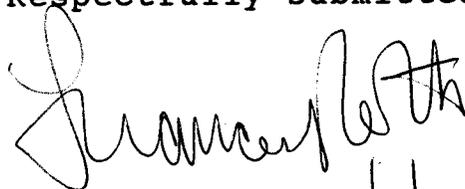
MR. RIVERA: So moved.

MR. REIS: Second it.

ROLL CALL

MR. REIS AYE
MR. MINUTA AYE
MR. RIVERA AYE
MR. KANE AYE

Respectfully Submitted By:



Frances Roth
Stenographer

9/24/03