

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

ZONING BOARD OF APPEALS MEETING

Virtual

May 19, 2021

7:00 p.m. - 7:20 p.m.

May 19, 2021

MEMBERS PRESENT:

David Douglas, Chairman

Chris Kehoe, Deputy Director of Planning

Wai Man Chin, Vice-Chairman

Joshua Subin, Assistant Town Attorney

Adrian C. Hunte, Member

Frank Franco, Member

Chris Beloff, Alternate Member

Eileen Henry, Member

Cristin Jacoby, Member

Thomas Walsh, Member

Rosemary Lasher, Assistant Director of Planning

1 May 19, 2021

2 (The board meeting commenced at 7:00 p.m.)

3 MR. DAVID DOUGLAS: Great. Alright.

4 Well, welcome to the May Zoning Board of Appeals
5 meeting and we begin with the Pledge of
6 Allegiance and Mr., Mr. Kehoe, do you wanna?

7 MR. CHRIS KEHOE: Sure.

8 MR. DOUGLAS: Can I put you on the spot
9 again?

10 MR. KEHOE: Yeah. I have it written
11 down.

12 MULTIPLE: I pledge allegiance to the
13 flag of the United States of America; and to the
14 Republic for which it stands, one Nation under
15 God, indivisible, with liberty and justice for
16 all.

17 MR. DOUGLAS: Mr. Kehoe, you did such a
18 great job on that. Could you now do the roll
19 call?

20 MR. KEHOE: Okay. I'm just gonna go
21 around the screen. Mr. Chin?

22 MR. WAI MAN CHIN: Here.

23 MR. KEHOE: Mr. Subin?

24 MR. JOSH SUBIN: Here.

1 May 19, 2021

2 MR. KEHOE: Mr. Walsh? Ms. Hunte?

3 MS. ADRIAN HUNTE: Here.

4 MR. KEHOE: Mr. Franco?

5 MR. FRANK FRANCO: Here.

6 MR. KEHOE: Mr. Douglas?

7 MR. DOUGLAS: Here.

8 MR. KEHOE: Mr. Beloff?

9 MR. CHRIS BELOFF: Here.

10 MR. KEHOE: Ms. Henry?

11 MS. HENRY: Here.

12 MR. KEHOE: Ms. Jacoby?

13 MS. CRISTIN JACOBY: Here.

14 MR. DOUGLAS: Okay. Before we begin, I
15 wanna take note that this is Eileen Henry's last
16 meeting on this ZBA. So Eileen, thank you so
17 much. You were, you were an invaluable, valuable,
18 invaluable member and we're all gonna miss you
19 both for, you know, for what you, what you
20 brought to the Board in terms of your hard work,
21 your effort, you, you know, it just, you know, we
22 enjoyed working with you. I was -- I can say I
23 enjoyed working with you. I don't wanna speak on
24 behalf of you. Just as we always say in the

1 May 19, 2021

2 Zoning Board, my, my -- I'm leaning toward this
3 is what I think I can speak on behalf of the
4 members so I'm gonna say I, that's how I feel. I
5 can't speak for anybody else so.

6 MS. HENRY: Thank you so much. I, I, I
7 don't wanna speak for anybody else either. I
8 enjoyed working with you, Mr. Chairman, and, and
9 everybody else as well. It's, it was a real
10 pleasure and I'm sorry that I have to go, but
11 it's time and I will miss you all.

12 MS. HUNTE: Miss you too.

13 MR. FRANCO: Yeah. We'll miss you
14 Eileen.

15 MS. JACOBY: Definitely miss you Eileen.

16 MR. SUBIN: I'm not gonna miss you
17 'cause I'm gonna stay in touch with you so.

18 MR. CHIN: Yeah. I'm gonna miss you.
19 And I'm -- I agree with David.

20 MR. DOUGLAS: Alright.

21 MR. THOMAS WALSH: Next to me.

22 MS. HENRY: Yes. My next to me friend.

23 MR. WALSH: Yes. Exactly.

24 MS. HENRY: We started at the same time.

1 May 19, 2021

2 MR. WALSH: Yeah.

3 MS. HENRY: It was a real pleasure.

4 MR. DOUGLAS: Okay. Okay. Next item on
5 the agenda is the adoption of the minutes of the
6 meeting from March. Just so we did not, we did
7 not have an April meeting so that's why we have
8 the March minutes. Somebody make that motion?

9 MR. CHIN: So moved.

10 MS. HUNTE: Second.

11 MR. DOUGLAS: All in favor?

12 MULTIPLE: Aye.

13 MR. DOUGLAS: The opposed? Okay. The
14 minutes from March are adopted.

15 MR. KEHOE: Just quickly with respect to
16 the minutes. We've hired a professional
17 transcriptionist company because the, the local
18 woman that used to do the minutes has decided not
19 to do it anymore so the format of the minutes
20 will look quite different moving forward.

21 MR. DOUGLAS: Okay.

22 MR. CHIN: Okay.

23 MR. DOUGLAS: Okay. I guess we should,
24 we, we should, we should thank the, the local

1 May 19, 2021

2 transcriptionist for all the, all the work years
3 she done.

4 MR. KEHOE: Yeah. Sylvi [phonetic].
5 She did a great job. She'll be missed.

6 MR. DOUGLAS: Yeah. Okay. We've got
7 two new public hearings. The first one is Case
8 No. 2021-05, Application of AJ Signs, for the
9 property of Cortlandt Town Center, area variances
10 for proposed signage at the, the, the Dog Haus
11 Biergarten located at the Cortlandt Town Center
12 and this is yours Ms. Hunte so I'm gonna turn it
13 over to you.

14 MS. HUNTE: Yes. Good evening. Adrian
15 Hunte here. And who do we have on behalf of the
16 applicant?

17 MR. TOM WHEELER: This is Tom Wheeler
18 with AJ Sign Company.

19 MR. ANDREW HAMERLING: And, and I'm
20 Andrew HAMERLING --

21 MS. HUNTE: Okay. Good. Hello, Mr.
22 Wheeler.

23 MR. HAMERLING: Proprietors.

24 MS. HUNTE: Hello, Andrew Hamerling.

1 May 19, 2021

2 MR. HAMERLING: How are you?

3 MS. HUNTE: Okay. The first we just
4 wanted to confirm that the address is 3137 East
5 Main Street in the Cortlandt Town Center and
6 that's Mohegan Lake 10547.

7 MR. WHEELER: Correct.

8 MS. HUNTE: And this is the location is
9 the -- thank you -- the former Payless Shoes
10 location.

11 MR. WHEELER: That's correct.

12 MS. HUNTE: So Mr., Mr. Hamerling or Mr.
13 Wheeler whoever is gonna speak on behalf of the
14 applicant, please tell us what you're seeking as
15 per Mr. Douglas' representation and how you wish
16 that we would rest the [unintelligible]
17 [00:05:06] and please in your presentation make
18 reference to. Proceed. Hello?

19 MR. DOUGLAS: Yes. Did anybody else
20 have trouble hearing?

21 MR. KEHOE: Yes.

22 MR. DOUGLAS: Okay.

23 MR. FRANCO: Yeah. It was cutting out a
24 little bit there.

1 May 19, 2021

2 MS. ROSEMARY LASHER: Adrian, I think
3 your internet connection might be unstable
4 because were you going in and out.

5 MR. SUBIN: Yeah. It sounded like you
6 were autotuning.

7 MS. HUNTE: It said mine was unstable.

8 MR. DOUGLAS: Okay.

9 MS. HUNTE: Why is that?

10 MR. DOUGLAS: I don't know.

11 MS. HUNTE: Can you hear me now?

12 MR. DOUGLAS: We can hear you now, but
13 you, you may wanna repeat what he just said
14 because.

15 MS. HUNTE: I'm gonna just repeat okay.

16 MR. DOUGLAS: Thank you.

17 MS. HUNTE: Where did we, where did we
18 stop? This is the former Payless Shoes location
19 in the Cortlandt Town Center and we as a ZBA had
20 a prior decision in order Case No. 13-11 at 3137
21 East Main Street in which we granted area
22 variances for larger signs at that location for
23 Payless. So either Mr. Hamerling or Mr. Wheeler,
24 whoever's going to speak on behalf of the Dog

1 May 19, 2021

2 Haus Biergarten --

3 MR. WHEELER: Mr. Wheeler.

4 MS. HUNTE: -- please make your
5 presentation and if you would please address the
6 five balancing items that we, we refer to with
7 renting variances.

8 MR. WHEELER: Alright.

9 MS. HUNTE: Can you hear me again?

10 MR. WHEELER: This is Tom Wheeler with
11 AJ Signs. Basically, what we're looking to do is
12 install signs on, on both sides of that building
13 for Dog Haus as well as on the 45-degree angle
14 over the door. We're following the Dog Haus
15 corporate branding which is the Dog Haus
16 Biergarten Dog -- Dogs, Sausages, and Burgers on
17 the Dog Haus logo for the two side signs and then
18 over the door, we just wanna put the logo which
19 will help identify that that's in fact the
20 entrance kind of funnels people in. We're in a,
21 we're in a shopping center. We're set way back
22 in so it's, it's pretty important that we get
23 these signs that people can get in the shopping
24 center and find this restaurant. We're gonna

1 May 19, 2021

2 have a lot of spontaneous people that will be
3 shopping and go for dinner so it's important that
4 we capture as many as we can. The Dog Haus logo
5 is pretty comp- complex actually. There's a lot
6 there so we want it big enough that it's not just
7 blurry from a distance but it's readable. So we,
8 we got these [unintelligible] [00:07:42] up a
9 little bit so they can be seen and, and it fits
10 the building architecturally as well. Touching
11 on the five points. An undesirable change in the
12 neighborhood. This is in a shopping center with
13 very similar type signs so that's the
14 [unintelligible] [00:08:00]. It's not gonna
15 create any undesirable change at all. Could the
16 benefit be sought by any other method? There,
17 there really is no other way to get the public to
18 see this than having these signs and having it be
19 effective. So the [unintelligible] [00:08:16]
20 size is the only, the only way we came up with to
21 get the public to the Dog Haus Biergarten. Is it
22 substantial? We're, we're really not asking for
23 much and Payless already had a variance in place
24 so it's a few square feet so it's not really

1 May 19, 2021

2 substantial. Adverse effect or impact on the
3 environment? When these signs are made, they
4 have aluminum faces. Just the letters are cut
5 out of the aluminum and backed in acrylic so your
6 lighting is actually rather soft. It's the
7 [unintelligible] [00:08:52]. It's LED which has
8 a short glow. Just the, just the letters Dog
9 Haus Biergarten Dogs, Sausages, and Burgers will
10 light up. Then LED diffused by acrylic so it's,
11 it's more of a soft glow than it is a, a bright
12 light. So and it really is no environmental
13 impact. It's, it's not as light as the -- not as
14 bright as the parking lights in the, in the area.
15 And self-created. In my opinion, all variances
16 are self-created because we've moved into this
17 space so that's based thereof.

18 MS. HUNTE: Okay.

19 MR. WHEELER: Are there any, any
20 questions from the Board?

21 MS. HUNTE: Right. I don't. Any other
22 Board members with questions or comments? No?
23 Hearing none any com-, --

24 MR. CHIN: No, I don't have any -- yeah,

1 May 19, 2021

2 I'm sorry. This is Wai. I don't have any
3 problem with the variance that they're asking.
4 It's not as large as that some of the variance
5 that we have given at the Town Center so I do not
6 have a problem with this.

7 MS. HUNTE: Thank you. Anyone else?

8 MR. DOUGLAS: Yeah.

9 MS. JACOBY: I agree as well.

10 MS. HUNTE: Okay. Dave.

11 MR. DOUGLAS: Yeah. I just, yeah, I
12 just wanna note as, as the other members of the
13 Board know I'm, I'm fairly conservative on my
14 views about granting sign variances. However, in
15 this case, and my initial reaction was we gave
16 one to Payless, why would, why should we give
17 anything greater than that to this new, this new
18 business but actually going back and looking at
19 the Payless decision, I noticed that that when we
20 at the time that Payless sought a variance, the
21 previous sign of the, the business had been there
22 before Payless was larger than the Payless sign
23 so we, we had moved from larger to smaller with
24 Payless and I guess it's only, there's really no

1 May 19, 2021

2 reason why we can't go back up to, to a somewhat
3 slightly larger sign. So I, I'm in favor of this
4 variance as well.

5 MS. HUNTE: Thank you. Any comments or
6 questions from the public audience? Hearing none
7 on Case No. 2021-5 AJ Signs on behalf of Dog Haus
8 Biergarten, I make a motion that we close the
9 public hearing.

10 MS. HENRY: Second.

11 MR. WAI: Second.

12 MR. DOUGLAS: Okay. All in favor.

13 MULTIPLE: Aye.

14 MR. DOUGLAS: Any opposed? Okay. The
15 public hearing is closed.

16 MS. HUNTE: Thank you. On Case number
17 2021-5, I make a motion that we grant the
18 variances for a variance of 10.05 square feet, 18
19 percent from elevation and also the 35.62 square
20 feet variance of 13.22 square feet, 37 percent
21 variance for the side elevation and this is a
22 SEQOR Type II. Action, no further compliance
23 required.

24 MS. HENRY: Second.

1 May 19, 2021

2 MR. DOUGLAS: All in favor?

3 MULTIPLE: Aye.

4 MR. DOUGLAS: Any, any, any opposed?

5 Okay. The variance, the variances are granted.

6 MR. WHEELER: Thank you.

7 MR. HAMERLING: Thank you.

8 MR. DOUGLAS: Thank you and, and Mr.
9 Kehoe, they should talk to you about any
10 additional steps or, or?

11 MR. KEHOE: Yes, and I believe the one
12 meeting that I was out, you got much more
13 technically proficient and, and maybe you were
14 able to sign it electronically. I think maybe
15 that happened when Joss was running is. So you
16 and I will work figure out a way to get it signed
17 and once it's completely signed, I'll get it off
18 to the applicants.

19 MR. DOUGLAS: Okay. The applicants
20 don't need to take any further steps. They're
21 all set?

22 MR. KEHOE: No. They would need
23 necessary permits from the Office of Code
24 Enforcement.

1 May 19, 2021

2 MR. DOUGLAS: No, no. I meant. Okay.

3 Yeah.

4 MS. HUNTE: And then--

5 MR. DOUGLAS: Okay. Alright. Good.

6 MS. HUNTE: Okay. Moving along. Case
7 number 2021-6.

8 MR. DOUGLAS: Okay. The next, next, ne-
9 , -- okay. The next case is Case No. 21-6.
10 Also, an application of AJ Signs, for the
11 property of Cortlandt Town Center for an area of
12 variance for proposed signs. This time, this
13 time for a Haagen-Dazs Ice Cream which is located
14 in the same, at the same building. So this is
15 Ms. Hunte, this is yours again so I'll again turn
16 it over to you.

17 MS. HUNTE: Yes. Okay. Ms. Hunte here.
18 Mr. Wheeler are you also on this matter?

19 MR. WHEELER: Yes, I am.

20 MS. HUNTE: Uh-oh. Oh, okay. Great.
21 Alright. And once again, we're gonna confirm
22 that this is the address is 3137 East Main
23 Street, Mohegan Lake 10547. Yes? And we once
24 again have the prior case No. 13-11 which was for

1 May 19, 2021

2 the previous tenant Payless Shoes where we had
3 granted a variance as well. So would you please
4 once again make your presentation and address
5 the, the balancing factors that we take into
6 consideration for the variances.

7 MR. WHEELER: Yes. This is Tom Wheeler
8 again with AJ Signs. This building this is even
9 further down the plaza than where the Biergarten
10 is going. So the larger sign is then even more
11 important. This one's a little unique in that
12 the letters themselves are actually only 26
13 square feet but the corporate branding requires
14 them to be placed on a background and that
15 background is 72 square feet. So the variance
16 comes from the backer which doesn't actually say
17 anything. So the letters themselves are really
18 not the issue. Touching on the five points.
19 Whether an undesirable change will be produced.
20 Again, we're in this big, this big shopping
21 center. The letters themselves are not very big
22 so it's gonna really fit in with everything else
23 around it. So no undesirable change. Benefits
24 sought by any other means. Again, we're in the

1 May 19, 2021

2 back of this plaza and we really wanna get people
3 that are shopping to know that there's a Haagen-
4 Dazs there. Then it's gonna be you kind of
5 purchase when they see it and they'll go wanna
6 buy ice cream after they're shopping. So it's
7 important that they're seeing to, to make that
8 purchase. It's also a way finding being at this
9 point 'cause it's so far back in the plaza. Is
10 the variance substantial? I don't think it is
11 because it's really that background that's,
12 that's driving this variance. The letters
13 themselves are really low impact and they're
14 relatively small. Adverse effect on the
15 environment or conditions of the neighborhood.
16 These are channel letters again. They're LED so
17 LEDs have a, a short throw. They are not casting
18 light very far. Gonna cast less than the parking
19 lot lights again. It's diffuse [unintelligible]
20 [00:15:44] so it's got more of a soft glow, not,
21 not a real blinding light so that the impact is
22 not great on the environment. The parking lot
23 lights are greater impact. Self-created. Again,
24 it is self-created 'cause we chose to move into

1 May 19, 2021

2 this location.

3 MS. HUNTE: Okay. Thank you. Once
4 again, this is located in the Cortlandt Town
5 Center and this particular location is iva-,
6 excuse me. Even further removed from the front
7 area and it's really not visible. It's right
8 across from the Walmart Garden Center. So I
9 don't have a problem with the, the variance and
10 does anyone on the Board have any comments or
11 questions? Hearing none. Anyone in the public
12 in the audience? Hearing none. On Case No.
13 2021-6, I make a motion that we close the public
14 hearing.

15 MR. CHIN: Second.

16 MR. DOUGLAS: All in favor?

17 MULTIPLE: Aye.

18 MR. DOUGLAS: Any opposed? Okay. The
19 public hearing is closed.

20 MS. HUNTE: Case number 2021-6 for
21 Haagen-Dazs at the Courtland Town Center I make a
22 motion that we grant the variance from a proposed
23 -- excuse me. From a permitted 46 square feet,
24 opposed 72 square feet, variance of 26 square

1 May 19, 2021

2 feet, 56 percent. I make a motion that we grant
3 that variance.

4 MR. DOUGLAS: Also noted.

5 MS. HUNTE: This is SEQR Type II.
6 Action, no further compliance required.

7 MR. CHIN: Second.

8 MR. DOUGLAS: All, all in favor?

9 MULTIPLE: Aye.

10 MR. DOUGLAS: Any opposed? Okay. The
11 variance is granted.

12 MR. HAMERLING: Thank you.

13 MR. WHEELER: Thank you very much. I
14 appreciate your time.

15 MS. HUNTE: Thank you, Mr. Wheeler.
16 Sure.

17 MR. WHEELER: Thank you so much.

18 MR. HAMERLING: Okay. Thank you.

19 MS. HUNTE: Good luck.

20 MR. WHEELER: Good night. Take care.

21 MR. DOUGLAS: Okay. And those, those to
22 the two public hearings for, for this month so if
23 somebody wants to make the motion to adjourn,
24 that would be good.

1 May 19, 2021

2 MR. CHIN: Well, before we--

3 MR. SUBIN: Are you talking, David?

4 'Cause I think you might be muted. I see your
5 lips move.

6 MR. CHIN: David.

7 MR. DOUGLAS: Yeah. Can you, can you
8 hear me?

9 MR. CHIN: Yes.

10 MR. SUBIN: Yeah. Now I can hear you.

11 MR. CHIN: Be- before we adjourn. I
12 just wanna say something to Ken Hoke. I heard
13 that he is retiring and I will miss him. I, I
14 knew him for quite a long time with the Zoning
15 Board and I wish him the best of luck.

16 MR. DOUGLAS: Oh.

17 MR. SUBIN: I'll definitely con- convey
18 that to him. We had, we had drinks with him
19 tonight. Chris and I were just there. We should
20 have told you guys. Sorry. I didn't, it was a
21 last-minute thing. I, I -- it was kind of rushed
22 so.

23 MR. DOUGLAS: Okay. Well, thank, Wai,
24 thank you for bringing it up. I didn't know

1 May 19, 2021

2 that. That's--

3 MR. CHIN: Yeah. I just found out today
4 myself.

5 MR. DOUGLAS: Congratulations. Yeah.
6 Thank you.

7 MR. KEHOE: Yeah. Ken, Ken will be with
8 the town for one more week. So if you wanna try
9 to give a call or shoot him an e-mail, he'll be
10 around for one more week.

11 MR. DOUGLAS: Okay.

12 MR. SUBIN: He's moving to San Antonio.

13 MR. DOUGLAS: San Antonio. Great.
14 Okay. Well, Ken, Ken if in, if in after you move
15 to town you happen to be watching old Zoning
16 Board meetings, we all, we all wish you the best
17 and we, you know, we, we all, you know, we
18 enjoyed working with you for all those years.
19 So.

20 MR. SUBIN: He had his, he had his San
21 Antonio cowboy hat on today. It's, it's nice.

22 MR. CHIN: Unbelievable. Okay.

23 MR. DOUGLAS: Thank you Wai, for, for
24 mentioning that.

1 May 19, 2021

2 MR. CHIN: Oh, you're welcome.

3 [CROSSTALK]

4 MR. SUBIN: I don't know if you wanna
5 welcome our new mem-, our new member for he's,
6 he's in the audience for posterity. It's up to
7 you.

8 MR. DOUGLAS: After, after, after Josh
9 say that, I guess I can't, I can't just.

10 MR. SUBIN: I just didn't know if you
11 were forgetting. No, really if you were next to
12 me, I'd give you the one of this.

13 MR. DOUGLAS: Right. Well, it would be
14 really cold if I said no, I am not gonna welcome
15 Benito Martinez. Okay. So welcome Benito. We
16 look forward to you joining us officially next
17 month.

18 MS. JACOBY: Welcome Benito.

19 MS. HUNTE: Welcome Benito.

20 MR. CHIN: Welcome.

21 MR. BELOFF: Welcome, welcome Benito.

22 MR. DOUGLAS: And, and, and you're muted
23 Benito so I assume you're saying something but.
24 Alright.

1 May 19, 2021

2 MS. JACOBY: He's dreading it.

3 MR. BENITO MARTINEZ: I will say, I will
4 say thank you to all of you. Thank you. Thank
5 you.

6 MR. DOUGLAS: Okay. Alright. Okay. So
7 now does someone want to move to adjourn unless
8 there's some other.

9 MR. CHIN: I make the motion to adjourn
10 the meeting til next month.

11 MR. DOUGLAS: Thank you.

12 MS. HUNTE: Second. Second.

13 MR. DOUGLAS: All in favor?

14 MULTIPLE: Aye.

15 MR. DOUGLAS: Any opposed? Okay. I'll
16 see you all next month except for you Eileen.

17 MR. CHIN: Eileen.

18 MULTIPLE: Bye Eileen.

19 (The board meeting concluded at 7:21
20 p.m.)

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CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on May 19, 2021 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

Claudia Marques

Date: June 7, 2021

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