

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted via Zoom on *Wednesday, May 20th, 2020*. The meeting was called to order, and began with the Pledge of Allegiance.

David S. Douglas, Chairman presided and other members of the Board were in attendance as follows:

Wai Man Chin, Vice Chairman (absent)
Adrian C. Hunte
Eileen Henry
Thomas Walsh
Frank Franco
Cristin Jacoby

Also Present

Chris Kehoe, Deputy Director for Planning
Joshua Subin, Assistant Town Attorney
Mr. Chris Beloff – Alternate Member (absent)

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ADOPTION OF MEETING MINUTES FOR APRIL 15, 2020

Mr. David Douglas asked the first item on the agenda is the adoption of the minutes for April.

So moved, seconded with all in favor saying "aye".

Mr. David Douglas stated the April minutes are adopted.

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ADJOURNED PUBLIC HEARINGS:

- A. **Case No. 2019 – 13 Application of Elizabeth Holloway of Station Glo of New England**, for the property of Ibrahim Jamil, for an area variance for additional signage at the existing Mobil Gas Station located at 2225 Crompond Road (Route 202).

Mr. Thomas Walsh stated this is my case. Chris have they done anything?

Mr. Chris Kehoe responded we had some preliminary conversations a couple of weeks ago and I followed up with an email about 10 days ago and didn't hear anything back. So I would adjourn this case and I will reach back out to the applicant.

Mr. Joshua Subin asked Chris, do we want to let the attendee in?

Mr. Chris Kehoe responded he's for the next application. He's Mr. Lewis. I'll click to allow him to talk in a minute.

Mr. Thomas Walsh stated I make a motion to adjourn case No. 2019-13 until the June 17th, 2020 public hearing.

Seconded with all in favor saying "aye".

Mr. David Douglas stated case No. 2019-13 is adjourned until the June meeting.

B. Case No. 2019-14 Application of Elizabeth Holloway of Station Glo of New England, for the property of GTY NY Leasing, Inc. for an area variance for additional signage at the existing Mobil Gas Station located at 2072 E. Main St. (Route 6).

Ms. Eileen Henry stated and Chris, obviously that's the same...

Mr. Chris Kehoe responded correct.

Ms. Eileen Henry stated so you reached out to them and you haven't heard. Okay. I move for case No. 2019-14 to adjourn to the June 17th, 2020 public hearing.

Seconded with all in favor saying "aye".

Mr. David Douglas stated that case is adjourned to the June meeting as well.

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NEW PUBLIC HEARING:

A. Case No. 2020 – 2 Application of Lewis Sign, for the property of Lordae, LLC, for additional signage to be located on the existing freestanding sign at 2141 Crompond Road.

Mr. Chris Kehoe stated Mr. Lewis – there you go. Can you hear us?

Mr. Chris Lewis responded yes, very well.

Mr. David Douglas stated Ms. Jacoby this is your case so I'm going to turn it over to you.

Ms. Cristin Jacoby asked I see you originally got a variance of an additional eight square feet so from 16 feet to 24. There it is – so the additional square feet is for on top of the sign. I guess my question is; why do you need the additional variance on top of that?

Mr. Chris Lewis responded our client came to us looking to have a little more presence for the traffic going by. I think they feel lost. As you look at that drawing, you can see it's hard to make out Orange Bank & Trust but they've put a lot of work into making their icon, that 8 segment piece highly top-of-mind, something people recognize. They would love to be able to have it out on top of the sign. That's what they're – I think the best case in saying as we look at that picture, it's quite hard to read the Orange Bank & Trust.

Ms. Cristin Jacoby asked actually I drove by and I found that as well. Does anybody else have questions?

Mr. Frank Franco asked I was just curious, this is Frank Franco, I was curious if the sign at the top lit up or is that just painted orange?

Mr. Chris Lewis responded no, it does not light up sir.

Mr. Frank Franco stated it doesn't light up, okay.

Mr. Thomas Walsh stated I have no issues. This is Tom Walsh. I drive by this almost daily and honestly I didn't even know Orange Bank & Trust was in that shopping center. I have no qualms with it. I know they're not even at 100% yet variance for the signage so it does meet our allowable variance criteria. I have no problem with this.

Ms. Cristin Jacoby stated I did look through the five factors that we should consider. The one is whether or not an undesirable change will be produced in the character of the neighborhood, and to Tom's point, agreed it would have a diminimus effect on the neighborhood. Whether or not the benefit sought can be achieved by a different method; not really if you want to get that logo up there, that's really the way to do it. Whether the requested variance is substantial; I would argue it's not that much more than a variance of 12.75% more. Whether the variance will have an adverse affect or impact on the physical environment or conditions in the neighborhood; I think the answer is no. And whether or not the difficulty is self-created; again, no. I am also leaning towards approving this.

Ms. Adrian Hunte stated I agree. I don't have an issue with it. It is a shopping center, albeit much smaller than the Town Center, and as Cristin said, I don't see any adverse impact on the neighborhood or environmentally.

Mr. David Douglas asked anybody else have any comments?

Mr. Frank Franco responded I agree with everyone too. I have no issue with it.

Mr. David Douglas stated I'll just note, as members of the board know, I tend to be opposed to variances for most signs, but in this case I don't see any harm from the variance and I'll also note that it's only an additional three square feet from the variance that was already given. So I don't have any objection to this either. Ms. Jacoby, do you want to make a motion?

Ms. Cristin Jacoby responded yes, I would like to make a motion.

Mr. David Douglas stated sorry, first we have to close the public hearing.

Mr. Chris Kehoe stated before you close it, I guess we should go through the motions to see if anyone wishes to comment, although we know the answer to that question.

Mr. David Douglas asked that's true. Is there anybody in the public that wants to comment on this?

Mr. Chris Kehoe stated and also just for the record, we did actually send out a public hearing notice to all adjacent property owners with the necessary Zoom sign-in information and the yellow sign was placed in front of the property as well. I have received no inquiries about this application.

Ms. Cristin Jacoby stated I would like to make a motion to approve case No. 2020-2.

Mr. David Douglas stated we need to close the public hearing first.

Ms. Cristin Jacoby asked oh sorry, I need to what?

Mr. Thomas Walsh responded make a motion to close the public hearing.

Mr. David Douglas stated make a motion to close the public hearing.

Ms. Cristin Jacoby stated I would like to make a motion to close the public hearing.

Seconded with all in favor saying "aye".

Mr. David Douglas stated the public hearing is closed. Now Cristin – now you make the next motion.

Ms. Cristin Jacoby stated I would like to make a motion to approve the variance for case No. 2020-2.

Seconded.

Ms. Adrian Hunte asked is this a SEQRA type II, no further compliance?

Mr. Chris Kehoe responded correct.

With all in favor saying "aye".

Mr. Chris Kehoe asked you're still there Mr. Lewis?

Mr. Chris Lewis responded yes I am.

Mr. David Douglas stated your variance has been approved and I guess – Chris, I don't know how the procedures have changed in this environment as to what steps he should take next or basically the same.

Mr. Chris Kehoe responded no, I think it's still the same. We are getting close. Mr. Lewis, you're very familiar with all of this. You're going to need a permit from our Code Enforcement Office. Their number is 734-1010. I don't believe they're issuing permits at this time but they are in the office checking messages. You can get in touch with them to get an idea of your next steps.

Mr. Chris Lewis stated wonderful. Thank you so much for your time this evening. I've been doing this for 36 years. This is my first Zoom meeting.

Ms. Cristin Jacoby stated you did great.

Ms. Adrian Hunte stated it's interesting you're speaking but your lips aren't moving.

Mr. Lewis stated have a great night. Thank you.

Ms. Cristin Jacoby stated thank you.

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ADJOURNMENT

Mr. David Douglas stated that closes our agenda for today. If somebody wants to make a motion...

Ms. Adrian Hunte stated I make a motion that we end the meeting.

Seconded with all in favor saying "aye".

Mr. Chris Kehoe stated so David, I'll double check with Josh. I have a Decision & Order already written up. I guess we used to do it the old way anyway. I guess I can bring it to your house, leave it there. You can sign it. That still works in this environment. I know with some Planning Board resolutions I haven't been filing them yet in the Town Clerk's office and I've been putting a note; they will be filed when possible. But Josh, I think I can get the D&O out to David and he can sign it. I'll take care of that.

Mr. Joshua Subin stated Cristin went through all the five factors and with the record. I think a normal accrual up and down five factors and all in favor is fine. We don't need to add in anything.

Mr. Chris Kehoe stated so David, I'll leave the D&O at our usual spot.

Mr. David Douglas stated okay.

Mr. Joshua Subin stated one thing I was going to ask Chris, I know Ken is taking a couple of things via email so he's not going to take the signs via email I guess?

Mr. Chris Kehoe responded I don't know exactly what he's going to do. That's why Chris Lewis's just got to contact that office. I'm not sure.

Mr. Joshua Subin stated okay.

Mr. Chris Kehoe stated I think you need to vote.

Mr. David Douglas asked all in favor of adjourning.

With all in favor saying "aye".

Mr. David Douglas stated the meeting is adjourned.

Mr. Chris Kehoe stated nice to see you all.

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NEXT REGULAR MEETING WEDNESDAY, MAY 20, 2020