

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on *Wednesday, December 16th, 2015*. 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
Charles P. Heady, Jr.
James Seirmarco
John Mattis
Adrian C. Hunte
Raymond Reber

Also Present

Ken Hoch, Clerk of the Zoning Board
John Klarl, Deputy Town attorney

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ADOPTION OF MEETING MINUTES FOR NOV. 18, 2015

So moved, seconded.

Mr. David Douglas stated the minutes are adopted.

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Mr. David Douglas stated we also have to adopt the meeting dates for next year; 2016.

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

Mr. David Douglas stated those meeting dates are adopted.

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ADJOURNED PUBLIC HEARINGS:

A. CASE No. 2015-17 ASF Construction & Excavation Corp. for an Interpretation that the applicant is a Specialty Trade Contractor as defined by the Town Code Chapter 307-4 Definitions so they can submit a Special Permit Application to the Planning Board on property located at **37 Roa Hook Rd., Cortlandt Manor.**

Ms. Adrian Hunte stated good evening Mr. Corke.

Mr. Robert Corke stated good evening. I apologize for my client not being here. She read the minutes on line and read it to be adjourned not understanding that there was a prior adjourned meeting to be held tonight.

Ms. Adrian Hunte stated well, seems to be the issue of the building. It was supposed to be taken down. There's still a back wall remaining as of Monday. Has that been removed?

Mr. Robert Corke responded he's in the process of taking it down. It's not removed.

Mr. John Mattis stated so the stop work order...

Ms. Adrian Hunte stated stop work order is still in effect then.

Mr. Ken Hoch responded yes.

Ms. Adrian Hunte stated so, based on that this is going to be put over.

Mr. Robert Corke stated thank you.

Mr. David Douglas asked can I ask you a question: is the company still doing business in the interim?

Mr. Robert Corke responded yes.

Mr. David Douglas asked so I have a question then: if we continue to adjourn it, are we in effect -- it depends on which way we rule of course, but we have the potential for aiding in a business that, at least at this point, may or may not be allowed to operate the way it is? Should we adjourn it or should we close and reserve and then take into consideration...

Mr. John Mattis responded I'd wait one more month. Let them take the rest of it down and get their final comments and then...

Ms. Adrian Hunte stated well, if it's not removed by next month then do we have any opportunity to issue sanctions or we can't do anything? Duly noted that...

Mr. Robert Corke stated it will be taken down. I apologize. The warm weather worked against us this month; all of these jobs. Everybody was been pushing him to get concrete and whatever foundation work done because of the warm weather so the manpower that would have been used to knock it down was actually working but it will be taken down, there's no question about that.

Ms. Adrian Hunte stated so we'll put it over to the January 2016 meeting which is on what date?

Mr. Ken Hoch responded 20th.

Ms. Adrian Hunte stated January 20th.

Mr. Robert Corke stated thank you.

Mr. Wai Man Chin stated thank you.

Mr. Raymond Reber stated my suggestion; if the weather stays nice for another month, don't come back with that excuse. There are plenty of day laborers who would love to come and help take care of the problems.

Ms. Adrian Hunte stated I make a motion on Zoning Board of Appeals case #2015-17 ASF Construction & Excavation for the Interpretation, the applicant is a Specialty Trade Contractor that we adjourn the matter to the January 20th, 2016 meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated it's adjourned to January and we're not going to further adjourn it.

Mr. Robert Corke stated Happy Holidays.

B. CASE No. 2015-23 Acadia Cortlandt Crossing, LLC for Area Variances for the Minimum Buffer requirement along a residential district boundary and the Minimum Landscape Coverage requirement, and a Variance from the required number of parking spaces on property located at **3144 Main St. (Cortlandt Boulevard), Mohegan Lake, NY.**

Mr. David Douglas stated my understanding is that the applicant has requested that it be adjourned to January as they're completing review with the Planning Board. Is it the Planning Board or the Town Board?

Mr. Ken Hoch responded the Town Board.

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

Mr. David Douglas stated case #2015-23 is adjourned to January.

C. CASE No. 2015-25 Demitri Vourliotis Living Trust for an Area Variance for the rear and side yard setbacks for an existing shed on property located at **194 Cortlandt St., Croton-on-Hudson, NY.**

Mr. John Mattis stated we have the Resolution from the Planning Board in front of us but has it been approved by Westchester County Department of Health yet?

Mr. Demitri Vourliotis responded we're not doing that, Mr. Klarl. I think they submitted...

Mr. John Klarl stated although it hasn't been completed yet, it's a condition that he has to meet his lot line map...

Mr. John Mattis stated I'd like to see the lot line map before we rule on this.

Mr. Demitri Vourliotis stated I think that was submitted to your office today. I think Ed Schmidt delivered everything today, the mylar.

Mr. John Mattis stated we haven't seen it yet and even so, I don't want to get it tonight and look at it. We do a thorough review on the Monday before.

Mr. Demitri Vourliotis asked when's your next meeting?

Mr. John Mattis responded January 20th. It's always the third Wednesday. I guess there's nobody in the audience that wants to speak to this so I move that we adjourn case #2015-25 to the January 20th, 2016 meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated case is adjourned to next month.

Mr. Demitri Vourliotis stated thank you.

Mr. John Mattis stated thanks.

Mr. David Douglas stated thank you.

D. CASE No. 2015-32 Robert & Lindea Whalen for an Accessory Apartment Special Permit on property located at **17 Dream Lake Rd., Croton-on-Hudson, NY.**

Mr. David Douglas stated Mr. Hoch, they had requested an adjournment until February, is that correct?

Mr. Ken Hoch responded yes, they had asked to put this over to February.

Mr. Wai Man Chin stated I make a motion on case 2015-32 to adjourn to February.

Seconded.

Ms. Adrian Hunte asked what is the date in February?

Mr. Ken Hoch responded 17th.

With all in favor saying "aye."

Mr. David Douglas stated case #2015-32 is adjourned to February.

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ADJOURNED PUBLIC HEARINGS TO JAN.:

- A. CASE No. 2015-20** **Emily Fehlbaum** for an Area Variance for an Accessory Structure, a 12' x 24' garage, in the front yard on property located at **100 Laurel Rd., Croton-on-Hudson.**

Mr. David Douglas stated this meeting has already been adjourned to January.

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PUBLIC HEARINGS:

- A. CASE NO. 2015-33** **CRP Sanitation** for an Interpretation that the manufacturing of compost is permitted use in the M-1 Zone on property located at **2 Bay View Rd. Cortlandt Manor, NY.**

Mr. Anthony Carbone stated from CRP Sanitation.

Mr. David Douglas asked if you could tell us what it is you're seeking?

Mr. Anthony Carbone responded I've been actually meeting with the town. We had an idea for a pilot project where we would take material that the town currently pays to truck out and dispose

of the leaves, brush, yard waste type stuff that all the residents of the town throw out; the town collects it and dumps it at their yard next door to our yard. We're looking to do kind of like a pilot project where we share services where we would contract out with our customers are like food-heavy customers like your diners, your schools who throw away food scraps and we're looking to take the town's material which is high in carbon, mix it with our material which is high in nitrogen and put it through a composting process that you would be left with at the end of it zero waste. It would turn into compost where the town would no longer have to pay to truck that material out of the town and we would see a savings on our end on disposal costs as well. We're looking to do that in our yard down on Bay View Road. After meeting with town staff they said we should come here and look for an Interpretation that that was allowed in our zoning and that's why I'm here.

Mr. James Seirmarco asked does your process include moving it around to keep it cool?

Mr. Anthony Carbone responded no, actually it's called an aerated static pile where you put pipes on grade. They have perforated pipe on grade and once the pile is set it's there for 30 days. The air is pumped through the pile to keep it aerobic. When it's kept aerobic it keeps the temperatures up, it also keeps the volatile organic compounds down; that's that ammonia smell or any of that noxious odor that you typically get from composting by constantly feeding air through the pile it keeps it in an aerobic state and you don't have to move it until it's done composting. It just sits there...

Mr. James Seirmarco asked so it doesn't get warm?

Mr. Anthony Carbone responded it stays between 130 and 160 degrees is the temperature that you want it to be. You need to be above 130 degrees for three consecutive days in order to kill all the pathogens: the weed seeds, any of that type of stuff. You would want it to be between 130 and 160 degrees, the pile. The moisture content though in the pile is around 60% so you don't have a risk of the combusting or fire starting.

Mr. James Seirmarco asked so do you wet it?

Mr. Anthony Carbone responded with the food – I would say 80% of your food is moisture, it's all liquid. As that decomposes, the water decomposes as well and it mixes in with the pile and that's how the organisms, the fungus, the bacteria, that's how they actually get through the pile and break everything down. They use that water as basically their road to get through the mix.

Ms. Adrian Hunte asked does it generate the heat notwithstanding the external temperatures; if it's below freezing...

Mr. Anthony Carbone responded they do it in Syracuse. I've toured a place in Syracuse. They do it in Syracuse year round.

Mr. John Mattis stated well that's all good information but it's really an Interpretation on our

part whether it fits the code in the allowed usage in this and unfortunately it's in the SIC manufacturing major group #28, 28-75 fertilizers; mixing only and it's not in the table of permitted uses. Whether we think it should be or not is not the question, it's what the code says. I think it's a good use but we have to go by the code.

Mr. Anthony Carbone stated okay.

Mr. David Douglas asked does the code section limit it to those categories, the list of categories or are they given as examples? What does it say?

Mr. John Mattis responded they have a list of permitted uses in the code.

Mr. James Seirmarco stated but it doesn't say "limited to".

Mr. John Mattis stated well if it doesn't then it could be anything.

Mr. James Seirmarco stated that's the point.

Mr. John Mattis asked then why list any of them?

Mr. James Seirmarco stated we're going through this on another case.

Ms. Adrian Hunte stated then it's a drafting issue.

Mr. David Douglas stated I'm not sure how I come out on this. I'm just asking. If it said "limited to" as we know from another case...

Mr. James Seirmarco stated I agree.

Mr. John Mattis stated list of permitted uses, it's an M-1.

Mr. David Douglas stated I'm trying to find a copy of the provision in our packet. I don't see it.

Mr. Wai Man Chin stated basically this is my case and I don't disagree with composting. I think it's a good idea. We have an area where it would be perfect for it. Again, the code keeps on referring to certain things but then on this one I'm not sure if it says "limited to" which I didn't see.

Mr. John Mattis stated the whole code has a whole listing of many things and it's either Special Permit SP, Permit P or N for not allowed, Not Permitted.

Mr. David Douglas asked and this one says SP and then it lists the SIC categories?

Mr. John Mattis stated I don't see it under SP here. There's nothing even close if you look

through it all, unfortunately.

Mr. David Douglas asked should we either adjourn this...

Mr. John Mattis stated let's adjourn it and take a closer look at it.

Mr. David Douglas stated why don't we adjourn it...

Mr. Ken Hoch stated just to give you a little bit of an opinion that we use in the office: even though this use isn't specifically listed, it is listed under manufacturing in the SIC code and this board has previously, the most recent case I remember is [inaudible] Tutoring wasn't a specific use and the board did interpret that tutoring would fit under one of the education categories; I forgot exactly which one. So, there are uses, and particularly in an M-1 district which basically allows everything.

Mr. Raymond Reber stated I concur. I think we have flexibility in the M-1 because there's so many things that are listed that are permitted that I think we have to review this more carefully because when you've got an M-1 where it allows things like farms and cattle and whatever. I mean that's fertilizer, that stuff from the ground – so I mean we've got to think twice about this in terms of physically what they're doing with the property. It may not fit as a “manufacturing” 100% but, I agree, we have to look at it more carefully. I think M-1 is designed to be quite flexible.

Mr. Wai Man Chin asked did you understand that Mr. Carbone?

Mr. Anthony Carbone responded yes, I follow.

Mr. James Seirmarco asked is there someone there 24/7 to monitor the temperatures?

Mr. Anthony Carbone responded we're there from 5 a.m. until I left there and came straight here. We're not there 24/7 but...

Mr. Wai Man Chin asked the one that you said up in Syracuse, is it manned all the time?

Mr. Anthony Carbone responded no, there's one in Syracuse – actually the facility that we currently dispose of our food scraps, that is out of Kingston and it's just a regular – it's the Ulster County Resource Recovery Agency. It's similar to the town's sanitation yard. They have some roll-off type trucks there. They have a building where they do mechanic work and then they have their pile, their compost pile which is on a 10,000 square foot concrete pad and they take the temperatures every day of the pile to monitor how the process is going. It's a pretty passive...

Mr. Raymond Reber stated very difficult for those to self-combust.

Mr. Anthony Carbone responded correct. It's just because of the moisture. The more it breaks down, the more moisture is released into the pile.

Mr. David Douglas asked is there some sort of an alarm system or something? I guess in the back of my mind is if you're not there 24/7 what happens if something – it gets more dried out than was anticipated?

Mr. Anthony Carbone responded that goes with the constant monitoring. If you want to sell the product at the end you have to make sure that it reaches that temperature. You don't want to sell weeds to your customers. You want to make sure that that constant monitoring – you can tell if the temperature is spiking or going down. You adjust the air...

Mr. David Douglas asked can you also monitor the level of moisture?

Mr. Anthony Carbone responded yes.

Mr. David Douglas stated my concern is just the higher temperatures and if the moisture is lower than you think it's supposed to be and nobody's there and then you know...

Mr. Anthony Carbone stated you put probes as temperature probes. There's moisture probes there four foot long and you probe the pile everyday in different sections of the pile so you're constantly aware of what's happening in the pile. It's just part of the best management practices of making a material.

Mr. Wai Man Chin stated it was also indicated at the work session you had been talking to DEC or...

Mr. Anthony Carbone responded yes. I actually learned about this through some conferences with DEC people and there's really no infrastructure in this area for a place like this. The DEC put out a plan in 2010 called "Beyond Waste" where they wanted to reduce the amount of waste that every individual generates from 4 pounds per day to 0.4 pounds per day. They want to do this in the next 20 years by 2030 and one of the main areas where they said we can reduce the amount of waste is food; either by food donation, food scrap recovery which is what we're trying to do. They say that 15% of the waste stream is food scraps so that's a big chunk of where people – now that I've actually been doing this you monitor how much you scrape off your plate at night and every – my house, it's just me and my wife, it's 10 pounds a week of scraps from – and this process we can do anything: bones, cardboard that you can't recycle because pizza boxes that had grease on it that can't be recycled, it can be composted.

Ms. Adrian Hunte asked Mr. Carbone, a couple of questions: will you sell any of the compost at retail premises?

Mr. Anthony Carbone responded at the very beginning of our idea, we're looking to do really wholesale. The town currently buys compost but we'd like to do wholesale where we're selling

it in bulk to landscapers. A lot of people now are talking about getting away from fertilizer and using compost. Fertilizer have bad run off it. If you fertilize your ground and it rains, the fertilizer ends up in the water so a lot of people are now using compost, top dressing their lawns instead of using fertilizer.

Ms. Adrian Hunte asked do you anticipate more than 10 employees?

Mr. Anthony Carbone responded doing this? No.

Ms. Adrian Hunte stated there is this manufactured goods to be sold at retail of any type as long as there are less than 10 employees, that's Special Permit, then there's one more miscellaneous manufacturing industries SIC section 39 which is permitted in M-1.

Mr. Anthony Carbone stated for year two and three, what our idea was, was to open it up for town residents to participate in the program where instead of just throwing everything in your garbage pail and having the town come pick it up, there are people that would b interested in enrolling in a program where they participate. They come down, they drop off their 10 pounds a week, like a Home Depot type bucket of food scraps that they would segregate out a week. They would come down, drop that off to our yard, we would do the composting for them and then supply them with finished compost a couple of times a year as part of a membership program or pass program...

Mr. James Seirmarco stated it's a requirement in San Francisco.

Mr. Anthony Carbone responded yes, San Francisco, New York City is starting it next year. They're doing 150,000 residences in New York City starting next year to do food scrap recovery.

Ms. Adrian Hunte asked Mr. Hoch, what about this miscellaneous manufacturing industries?

Mr. Ken Hoch responded again, that's what the board has to interpret: where does this use fit or is it simply a new use that should be there as an Interpretation?

Mr. Wai Man Chin stated I think at our next work session, we should really...

Mr. John Mattis stated do some research and discuss it at the work session.

Mr. Wai Man Chin continued discuss it thoroughly.

Mr. James Seirmarco asked do you have the paperwork started?

Mr. Anthony Carbone responded right when I started, I said: you know? Where we're located, we're right by the Hudson so let me go and talk to DEC first just to make sure that we fit their requirements. They're the ones that are in charge of the Environmental Conservation so I wanted to make sure that we fit their requirements and our location fits all the specs that they lay

out. They said: you just have to go through your local approvals. Once you go through your local approvals, you have to fill out a registration to conform with us to basically put yourselves on the map so we can monitor you, come once a year, check out what you're doing, make sure that you're following all of our requirements but it's not much with the DEC but we fit their requirements of location.

Mr. James Seirmarco asked it's not licensed or anything like that?

Mr. Anthony Carbone responded it's basically, you fill out a couple of page form: who you are, what you're doing and how much material – what we're doing is a DEC registration which limits the amount of material you can take in to less than a thousand cubic yards per year which is 20 cubic yards per week which is half a garbage truck of the food scraps.

Mr. John Mattis stated just for the record, I like what you're doing. Again, it's not the issue and we're trying to find a way that it fits into the code. We're trying to work with you on this.

Mr. Anthony Carbone stated I understand.

Ms. Adrian Hunte asked Mr. Klarl or Mr. Hoch, I just have a question: is it possible for us to get some sort of legislative history on sections 307-14 and 15 of our code from the table of permitted use.

Mr. Ken Hoch responded one Interpretation came to mind, I think there were two or three more that I can research.

Mr. John Mattis stated that would be helpful.

Mr. Wai Man Chin stated if there's nobody else in the audience to speak on this, I'm going to make a motion on case 2015-33 to adjourn to the January meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated it's adjourned. We'll see you next month.

Mr. Anthony Carbone stated thank you.

Mr. David Douglas stated ok, thank you.

B. CASE NO. 2015-34 PSK Supermarkets, Foodtown, Freshtown for an Area Variance for the size of a freestanding sign, the total wall signage and the total allowed signage for the site on property located at **2005 Albany Post Rd., Croton-on-Hudson, NY.**

Mr. Ralph Mastromonaco stated good evening. We submitted an application. A&P is no longer there. Foodtown is taking over this particular A&P and I met with the CEO and some of the people that are in charge of the place and they're really doing the best they can to make that one their flagship supermarkets. As they say, in Westchester they've got a lot of energy putting a lot of money putting into it and of course one of the things that they have to do is fix the signs that are at the property. We've made an application and since that time we've received some interpretations and some feedback unofficially from our application and I know you had a work session last night, I believe it was. What we're trying to do is get our client's sign the way they normally do their sign on their building and out on the pylon. One of the problems we have is that the pylon sign out by the road has been there since 1970, something like that, it's a 6' x 10' sign. The sign was also pre-existed the sign law. What we're hoping is you can find a way so we can keep that sign there. It does not meet the current code. It does not meet the current code because it's more than 48 square feet; it's 60 square feet if you count the entire frame. The words in the center of the sign do meet the code. The second sign is to be on the façade of the building and that sign; the application we made to you for a Variance, that sign is already substantially smaller than the standard Foodtown sign, Superfood Town sign that they have on the rest of their stores. The Town of Cortlandt sign law, beside being somewhat confusing, also says that we thought that there was a height limitation. I think Ken Hoch pointed out that the height does not count when it's on the building. So, one of the request for a Variance here is I guess nullified. We don't need that Variance for the height on the building. Also, in the sign code I believe the only flexibility that you have is to go to 100% of what the square footages are in the code. You can't go beyond that because the sign law is not a zoning law, it's a town law. I was a little surprised that there's also a section of your code that says that a sign that does not meet the code after 7 years has to be conformed or removed. That, I would need some help on understanding that particular part of it because that certainly kills our idea here. What I don't understand is why would the billboards on Route 202 still be there?

Mr. David Douglas stated that's another issue and we're going to glare at our attorney about that.

Mr. John Klarl stated what happens is, we originally have those types of [inaudible]. We amortize certain uses like junk yards and the like, bulletin boards so they leave the community. It's amortization.

Mr. Ralph Mastromonaco asked what was the amortization on the billboards?

Mr. John Klarl responded it needs to be 7 years.

Mr. Ralph Mastromonaco responded they're still there though right?

Mr. John Klarl stated there were a series of boards and they had certain schedule they had to come down. It happened in the Village of Buchanan and the Town of Cortlandt.

Mr. David Douglas stated you don't want to make an analogy to the billboards.

Mr. Ralph Mastromonaco stated I'm just wondering. I was just wondering that perhaps that section of the code was unenforceable or no longer enforced. I wasn't sure.

Mr. John Klarl stated it's not used often.

Mr. Ralph Mastromonaco stated the seven year issue I'm talking about. It doesn't seem to be enforced.

Mr. James Seirmarco stated Mr. Mastromonaco, your comments are something we haven't heard. We've heard from every person who has a sign that is larger than 100% that the same comments than the people who come here and say: this is our standard size. This is our standard album. This is our standard what it looks like. This is our standard – and we have no flexibility here. It has to be – that looks like a wonderful sign but it's too big.

Mr. Ralph Mastromonaco stated what would happen is that if you can't give us the flexibility – theoretically, we would have to take that sign down.

Mr. James Seirmarco stated absolutely and you'd be in great company because many people have put the signs up for Mobile and Exxon and this one and that one, and then they came in and they have to take it down and go back and they say the same thing: these are our standard size signs.

Mr. Ralph Mastromonaco stated I'm not pushing that angle. My only concern is that sign it seems to me because it was there before the sign law went into effect, that even though we're not using the entire frame, that perhaps you could find a way so we don't have to take the whole thing down.

Mr. James Seirmarco stated the code is really clear about how to measure.

Mr. Ralph Mastromonaco stated I agree. Like I said, from the time we made the application, we learned a lot about the sign law. I've been trying to figure out the sign law for about 10 years now so...

Mr. James Seirmarco stated and people think because they have the large front building and they have the large section of the building that's free, let's just fill it up. It just doesn't make sense.

Mr. Ralph Mastromonaco stated I will have to tell my client that frame has to be conformed to 48 square feet.

Mr. David Douglas stated but when you say 48 square feet that's if we were to give you a 100% Variance.

Mr. Ralph Mastromonaco stated right.

Mr. David Douglas stated from my point-of-view I would not agree to a 100% Variance. I don't see any reason why you should have anything more than what's required. People here know my views on signs but it seems to me in this – we often end up giving Variances to people in the Town Center and the line that's often used is that the Town Center and people need to be able to see where the stores are and drive around in safety, and etc, etc, etc. There is nobody that is going to Foodtown that doesn't know that that's a supermarket there. You don't need a bigger sign than the standard size. Everybody who is shopping and going there knows there's a supermarket there and now everybody who's going there knows it's Foodtown rather than A&P. You don't need, in my view, any Variance. You just need a standard – the town said signs should be up to a certain size. Put it up to that size because I don't see why it should be bigger than that even though we have the right to make it twice as big but I don't see why we should. That's my personal view. I don't know whether the majority of the people on the board agree with me or not but to me there's no reason why – I want to make it clear that when you say you want to bring your sign to 48 square feet that we would have to approve up to 48 square feet. You're entitled to 24 square feet.

Mr. Ralph Mastromonaco stated that's why we're here.

Mr. David Douglas stated right, but I want to make sure it was clear because I want to make sure that you don't go back to your clients and say: the large one won't fly but we can get 48 square feet. You won't get a vote from me for 48 square feet. I don't know whether you'll get it from anybody else.

Mr. Ralph Mastromonaco stated again, we did some research before we came here and it was my impression that you've done this in the past. I'm not sure why...

Mr. James Seirmarco stated there's always a reason as David said, the reason in the Town Center is because there's a berm there and stores are set way back and we don't want people to spend a lot of time looking over there on small signs trying to squint, trying to observe the sign. This, that is right on the road.

Mr. Ralph Mastromonaco stated well sir, when you're coming south that sign is quite distant from – it's the same distance from...

Mr. David Douglas stated I live there. I live within a mile. I pass that there every single day of my life.

Mr. Ralph Mastromonaco stated coming south, you could be up by the Mexican Restaurant...

Mr. David Douglas stated nobody is not going to be able to tell that there's Foodtown there, nobody.

Mr. Raymond Reber stated we've had two opinions that expressed as to the logics of the signs. I will give you a third one. It's a little different and I did do some research. I headed up the

economic committee for the town for 10 years and we addressed this quite extensively. The problem the town had with signs was that there could be a commercial operation in many places in the town including a little deli in a somewhat residential neighborhood so they set very constraining allowable square footage for signs thinking of these areas where these places – they don't want big signs blaring out in a basically residential area. That's what set the allowed. Then they said to themselves; ah, but we will have places where there are strip malls and the Town Center and like that and obviously these signs are awfully small, in general, for any business. So, if it's a local, little deli that takes care of the neighborhood, people know it's there. It's not like you're driving around looking for it. So, they gave us some allowance and they had to pick a number because they didn't want us to go crazy. Even though, as you indicated, if you do the normal thing that we do in getting Variances is we look at the criteria: does it do harm to the community? All those issues. If it was up to me I'd say there's no problem because I don't see any harm done by these, however, there are limits and as you've said the limit is 100%. Am I shy of going over the allowed to reach the limits? It doesn't have to be the Town Center for me because I drive by. Let's be reasonable; that sign has been there for how many years in front of the A&P. It didn't upset me.

Mr. Ralph Mastromonaco stated 45 years.

Mr. Raymond Reber stated it didn't bother me. I didn't even think the town was deteriorated and saw it so it is hard for me at this point to say "well, that has to be smaller because it's detrimental." The code says it has to be shrunk down fine, so we shrink it down to what's allowed. I would give the 100% using that kind of logic but we're limited to the 100% and that's as far as we'll go.

Mr. Ralph Mastromonaco stated we're not asking for past the 100%.

Mr. Raymond Reber stated from my point-of-view I'll give it because I think for that type of a business on that street, considering the history of the signs that were there and everything else, I would give the 100%. Maybe some of my colleagues are a little more conservative in their square footage.

Mr. Ralph Mastromonaco stated if you ever three or four square foot sign, they're barely legible and that's the problem.

Mr. John Mattis stated I would agree with Mr. Reber and one of the things that I look at is: is this in the middle of a neighborhood? It's not. You've got commercial on that side of the street all the way up and down. You go across the street where you can see over there. You've got businesses. There's some single-family houses, but most of them aren't being used as single-family houses, they're being used as businesses and they're set quite a ways back; probably 150 feet or so. Again, it'll end up smaller than the A&P was which really – I never paid any attention to it and I went down there a lot. I just saw there was a sign there. It never look obtrusive or too big. So, we're actually gaining something by having a smaller sign.

Ms. Adrian Hunte stated I concur with my colleagues but I will not exceed 100%.

Mr. John Mattis stated no, we can't.

Mr. Raymond Reber stated we can't. The question is do we go to a 100%.

Ms. Adrian Hunte stated no but I would not have a problem with 100% or 99.999%...

Mr. Ralph Mastromonaco stated we're at 96.7.

Mr. Wai Man Chin stated either way you're coming from north, south or from east; the A&P sign never bothered me.

Mr. David Douglas asked where do you come from the east? How do you do that?

Mr. Wai Man Chin responded kind of. East then south a little bit. I'm just saying that, again, the 100% is the maximum we could give and that's all I would – I would have no problem with 100% also.

Mr. Raymond Reber stated this is my case. I guess the question is – anyone else in the audience want to speak on this?

Mr. Ralph Mastromonaco asked can I speak then? That leaves us really with the only big problem is that sign is too big.

Mr. Raymond Reber stated I think you're going to have a problem with the wall sign too.

Mr. Ralph Mastromonaco stated the wall sign, I don't think so.

Mr. Wai Man Chin stated the wall sign is smaller than what is allowed.

Mr. James Seirmarco stated no it's not.

Mr. John Mattis stated your plan is 112.37, you're allowed 112...

Mr. Ralph Mastromonaco stated if I take that sign down...

Mr. Raymond Reber stated and if you come in compliance with the other than you're okay, right. Agreed.

Mr. Ralph Mastromonaco stated so that frame has to go. It has to be no bigger than 47.9 square feet.

Mr. Raymond Reber stated and no higher than the height...

Mr. Ralph Mastromonaco asked so I'd have to come back here with that or would that be a Resolution with a condition?

Mr. Raymond Reber responded we can vote on it tonight and we can give you the Variance and then you just have to make sure Code Enforcement checks the sign before you put it up. Have them measure it.

Mr. David Douglas asked don't we usually like to see what the signs are before we vote on them? I would like to see...

Mr. Ralph Mastromonaco stated we have the picture.

Mr. Raymond Reber stated you're going to take the white space out I assume, shrink it down a little.

Mr. Ralph Mastromonaco stated I submitted the sign. I submitted detailed drawings of the sign.

Mr. Wai Man Chin stated basically the white is shrinking. That's all.

Mr. James Seirmarco stated I agree with David. I think one more month is not going to hurt anything to give us updated sketches.

Mr. Raymond Reber stated they've got it on the plan. Instead of 'Pharmacy' they put in 'Fresh and Friendly Market' and they shrunk the white space to get it down to the 48 square feet – 45 is allowed.

Mr. Ralph Mastromonaco stated there's a second sheet to that.

Mr. John Mattis stated it takes away the white space.

Mr. Raymond Reber stated you can see the difference on this page. The original sign is bigger and they shrink it down to the smaller they get down to this.

Mr. John Mattis stated it shows the shrinkage. They show the shrinkage right in there.

Mr. Raymond Reber stated you see how it shrinks. The top one is basically what you've got and then the bottom one shows how much it shrinks. It looks basically the same just gets shrunk down.

Mr. John Mattis stated it's about two thirds of the size of what they have now.

Mr. Ralph Mastromonaco stated we would take 13 square feet off the big roof sign I think so that we get no greater than...

Mr. Wai Man Chin stated give or take.

Mr. Ralph Mastromonaco stated it's never going to be more than 100, it'll be 96% or something.

Mr. Wai Man Chin stated it's got to be proportionate.

Mr. Raymond Reber asked are we in a position to move forward on this?

Mr. Wai Man Chin responded I am.

Ms. Adrian Hunte stated I think so.

Mr. Raymond Reber stated if there are no further comments from the audience I'll make a motion we close case 2015-34.

Seconded with all in favor saying "aye."

Mr. David Douglas stated public hearing is closed.

Mr. Raymond Reber stated on case #2015-34 PSK Supermarkets known as Foodtown located at 2005 Albany Post Road, I propose – I make a motion for sign Variances; a freestanding sign where 24 is allowed and we're permitted to accept 45 which is no more than 100% Variance. So it would be a 45 square foot plan and a wall sign where we are allowed 56 square feet, again with a 100% Variance. They will propose a 112.4 which again is within that 100% limit for a total signage that normally would be limited to 80 feet with our ability to allow to 160. Their proposal comes to 157.4. This is a SEQRA type II, no further compliance is required.

Seconded.

Mr. David Douglas stated can I just clarify something. The wall sign, you're seeking 112.4...

Mr. Ralph Mastromonaco stated that's the roof sign you're talking about.

Mr. David Douglas stated but the 100% is 112 so they're proposing more than a 100%. I mean it's not very much but it's still beyond the limit...

Mr. Raymond Reber stated 112 to round it off.

Mr. David Douglas stated that sign should be no more than 112. I mean that's all we can...

Mr. John Klarl stated instead of saying 112.37...

Mr. John Mattis stated instead of 112.37 Ralph, it would be 112 exactly.

Mr. David Douglas stated it's a small change but that's the maximum that's allowed.

Mr. Raymond Reber stated with that adjustment I make a motion then to approve a plan of 157 square feet.

Seconded.

With all in favor saying "aye". "Opposed?"

Mr. David Douglas responded I'm opposed.

Mr. James Seirmarco stated opposed.

Mr. Ken Hoch polled the board Mr. Reber; aye, Mr. Mattis; yes, Ms. Hunte; yes, Mr. Seirmarco; no, Chairman Douglas; no, Vice Chairman Chin; yes, Mr. Heady; yes. Motion carries 5 to 2.

Mr. Ralph Mastromonaco stated thanks very much.

Mr. David Douglas stated just for your information, on most of these sign things the motion carry 5 to 2. That's the standard breakdown. We didn't want to give it away.

Ms. Adrian Hunte stated each case is decided on its own merit.

Mr. David Douglas stated yes, on its own merit, etc, etc, etc.

Mr. Ralph Mastromonaco stated that's division. Thank you.

C. CASE NO. 2015-35 **Ilene Goodman** for an Area Variance for the side yard setback to convert an existing deck to habitable space and add an addition to create new dining and sitting areas on property located at **21 Lakeview Ave. Cortlandt Manor, NY.**

Mr. Mark Goodman stated Ilene couldn't make it. I'm her husband Mark.

Mr. David Douglas stated tell us what it is that you're seeking.

Mr. Mark Goodman stated we have an existing deck and we want to basically, one part's covered like a porch, we want to turn that into a room next to our somewhat small sunroom. We want to bump the sunroom out 4 feet but not exceed the footprint of the deck and we're going to lose a corner of the deck because there's no access to it.

Mr. James Seirmarco stated I went out there the other day and I really don't have a problem with...

Mr. Mark Goodman stated we're also going to move under the deck a retaining wall to create a second carport using the deck as a cover.

Mr. James Seirmarco stated I don't have a problem with this. I was concerned about the generator being underneath the porch but I guess it's further than the front.

Mr. Mark Goodman stated it's in the structure.

Mr. Wai Man Chin stated it's in the structure.

Mr. Mark Goodman stated everything is going to be the same footprint of the deck and the covered portion was just our artistic license that my brother-in-law who designed took to make it look nice.

Mr. James Seirmarco stated I don't have a problem with this.

Ms. Adrian Hunte stated I don't have a problem with it.

Mr. John Mattis stated it's fine.

Mr. Wai Man Chin stated I'm good with it.

Mr. James Seirmarco stated any comments from the audience and obviously there's not because there's nobody in the audience. I make a motion we close the public hearing on case #2015-35.

Seconded with all in favor saying "aye."

Mr. David Douglas stated public hearing's closed.

Mr. James Seirmarco stated I make a motion that we grant an Area Variance for a side yard setback from a required 19 feet down to 17.5 feet for an addition. This is a type II SEQRA, no further compliance is required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated your Variance is granted.

Mr. Mark Goodman stated thank you very much.

Mr. David Douglas stated go to Mr. Hoch for whatever paperwork you need.

Mr. Ken Hoch stated I'll be sending you something in a few days.

Mr. Mark Goodman stated have a good evening.

Mr. Wai Man Chin stated same to you.

Mr. John Mattis stated you too.

Mr. Wai Man Chin stated have a good Holiday.

Mr. David Douglas stated have a good Holiday and you have the honor of being the last case of the 2015.

Mr. Mark Goodman stated thank you and I will go down to Florida and enjoy the nice weather.

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ADJOURNMENT

Mr. Raymond Reber stated I make a motion that we adjourn the meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated we're done.

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**NEXT MEETING DATE:
WEDNESDAY, JAN. 20, 2016**