

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, March 16th, 2011*. 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:

Charles P. Heady, Jr.
James Seirmarco
John Mattis (absent)
Adrian C. Hunte
Raymond Reber

Also Present

Wai Man Chin, Vice Chairman (absent)
Ken Hoch, Clerk of the Zoning Board
John Klarl, Deputy Town attorney

ADOPTION OF MEETING MINUTES for Feb. 16, 2011

Mr. David Douglas stated we just got the minutes on Monday. Why don't we defer that until next month?

Mr. James Seirmarco stated I make a motion.

Seconded with all in favor saying "aye."

Mr. David Douglas stated we'll refer the minutes until next month.

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PUBLIC HEARINGS ADJOURNED TO APRIL, 2011 FOR TOWN BOARD ACTION

- A. CASE No. 11-09** **King Marine** for an Interpretation that the previous non-conforming use obtained by Briar Electric can be changed to a non-conforming use for marine storage, sales and services on the property located at **285 8th Street, Verplanck.**

Mr. David Douglas stated we're waiting for the Town Board to take action on that. We had sent the memo to the Town Board last month inquiring as to the status. I don't believe we've heard back yet.

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PUBLIC HEARING ADJOURNED TO APRIL, 2011

- A. CASE No. 18-09** **Post Road Holding Corp.** for an Area Variance for the dwelling count for a proposed mixed use building on the properties located at **0, 2083 and 2085 Albany Post Road, Montrose.**

Mr. David Douglas stated is adjourned as per the request of the applicant until April.

- B. CASE No. 01-11** **Bojan Petek** for an Area Variance to construct a new garage on property located at **28 Hollis Lane, Croton-on-Hudson.**

Mr. David Douglas stated we had a hearing last month and that's been adjourned until April.

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CLOSE AND RESERVED DECISION ADJOURNED TO APRIL, 2011 FOR TOWN BOARD ACTION

- A. CASE No. 01-10** **Zuhair Quvaides** for an Interpretation of the definition of outdoor storage and vending machines on the property located at **2072 E. Main Street, Cortlandt Manor.**

Mr. David Douglas stated this has also been adjourned until April. We're waiting for Town Board action on that as well.

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ADJOURNED PUBLIC HEARINGS

- A. CASE No. 14-10** **Michael Parthemore** for an Area Variance for a 3rd freestanding sign for **CRISTINA's** restaurant at **15 Baltic Place, Croton-on-Hudson.**

Ms. Rosalie Lent stated Richard Bartzick is the owner of Amberlands Realty. He is out of town. He wasn't able to make the meeting tonight. So, what he has proposed, I believe that Ken has given you all a copy of a freestanding sign we would like to place on the corner of Baltic Place and Albany Post Road. He's looking to get a variance for that. In putting up that freestanding sign, he will be removing some of the other signs that are currently existing.

Mr. James Seirmarco stated we had also made some other suggestions regarding the signs on the sides of the building and I don't actually see those signs removed. We had suggested that you have a number of businesses in the main building and we found that one sign per business was sufficient. It seems as though there's still some multiple signs there.

Ms. Rosalie Lent responded I'll have to get back to you on that but I know there was an e-mail that Ken had sent to Richard, I believe it was back in February, and it indicated some signs for Mr. Novak and Markowitz and those are some of the signs that he will be taking down in order to put this freestanding sign on the corner because they will then be on that freestanding sign on the corner.

Mr. Ken Hoch stated Jim, if I could interject? Mr. Bartzik came into my office late yesterday and he handed me – if you remember the copy of the spreadsheet I did, he marked up a number of these signs for Novak and Markowitz as coming out. It's not definitive, but this was his idea and then he submitted the new freestanding sign which would also require a Variance because it's larger than allowed. The other one, I passed out tonight. So, he is looking to take down some of the signs. We still have the issue of the hanging signs needing Variances. He's, at this point, proposing to leave those. I believe none of them – he had moved, I think, one or two so that none of them are actually over a walkway now. They're over that little island there or the little gravel area. That's what I discussed with him last night.

Mr. James Seirmarco stated those were the other things I was going to mention. Will we see a final plan as of next month of all those things?

Ms. Rosalie Lent responded I will have to get back to you. As I said, Richard is out of town. I believe he is working on it. He does want to get this resolved.

Mr. John Klarl stated Mr. Seirmarco we said a final global plan. We're hearing about certain signs. I think the Board wants to take a look at the entire sign package.

Ms. Rosalie Lent responded I know that that's something that he – I don't know the exact particulars. He does have an idea and I know he's been going back and forth with Ken. He'd be better to talk with Ken when he gets back maybe make it to the next work session.

Mr. James Seirmarco stated this has been pretty ongoing quite a long time. The issues that I just mentioned, and Ken mentioned, have been the same issues for approximately six months, six meetings. I appreciate your sincerity but my opinion is it has to be done by next month or we will proceed and vote on it, and I can tell you, speaking for myself, that it would be in a negative position if we don't get the total global site plan and sign strategy on paper. Hopefully, by the next workshop, which is April 11th, and he has to have it in at least 10 days before that so that Ken can circulate it to us so we can go out and look again. And, we'll discuss it at the workshop on April 11th. It has to be in its final form because this is the same issues we've been going over and over again for a long, long time. This seems to be fine. This is an integral part of it. This

Wells Fargo sign, Cristina's, Amberlands and three free panels seem reasonable. It's all in one spot. That's certainly a positive direction from what it was. I'm good I guess on that. See the final plan 10 days before April 10th, April 1st and then we'll prepare to discuss it in detail on April 11th.

Ms. Rosalie Lent responded I will pass that information on.

Mr. Charles Heady asked do you think that by next month you get everything together and all the sign so we'll be able to figure out where we're going?

Ms. Rosalie Lent responded the sign – is it something similar to the spreadsheet that Ken provided that the signs – the exact placement of the signs? Yes, I don't think that that would be a problem.

Mr. Raymond Reber stated as Mr. Seirmarco mentioned earlier what's frustrating to us is the multiple signs. If new chart comes in listing and I only see one sign per business that would help.

Ms. Rosalie Lent stated I'll pass that on. Thank you.

Mr. David Douglas asked anybody else want to be heard on this?

Mr. James Seirmarco stated I make a motion to adjourn this case to the April meeting and not to repeat myself but around April 1st we need to get the final plan in final form so we can discuss it in detail at the workshop.

Seconded with all in favor saying "aye."

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

B. CASE No. 02-11 Fortena Corp. for an Area Variance for a freestanding sign on property located at 7 Croton Ave., Cortlandt Manor.

Mr. John Klarl stated we had a second call on Fortena and I think that involves this firm. Did your boss ask you to come on Fortena also tonight?

Mr. Tim Beachak asked that was for Mendoza?

Mr. John Klarl stated it's 14 Inc.-- it's a property on 7 Croton Avenue.

Mr. Tim Beachak responded yes, they decided against doing that. That was with the columns.

Mr. John Klarl asked do you want to withdraw on the application?

Mr. Tim Beachak responded yes, withdraw it. They're going to go with standard posts.

Mr. John Klarl asked you have authority on behalf of 14 incorporation?

Mr. Tim Beachak responded yes, that's what they asked me to do.

Mr. James Seirmarco asked this is the one with the sign columns?

Mr. Tim Beachak stated we wanted to do stone columns.

Mr. John Klarl stated Santucci building on Croton Avenue.

Mr. David Douglas stated Fortena, which is case **2-11** is withdrawn.

Mr. John Klarl asked he's saying on the record that he has authority. Your full name is please?

Mr. Tim Beachak stated *spelled his name out*.

Mr. John Klarl stated on the record, you're indicating to us that you have authority on behalf of the applicant Fortena Corp. to withdraw that application?

Mr. Tim Beachak responded yes.

C. CASE No. 04-11 Michael Piccirillo, AIA, on behalf of Kurt and Deidre Knight, for an Area Variance to construct a new garage with bonus room above on property located at 18 Marilyn Rd., Cortlandt Manor.

Mr. Michael Piccirillo stated we were here last month and we were proposing a garage addition to the Knight's residence. After our discussion last time we pushed the actual structure back approximately 7 feet. They wanted to add a feature -- clients desire to have a set of stairs coming off the existing deck. If you have a copy of the site plan you'll see the structure's pushed back now to line up with the existing house. We've added that three foot wood stair.

Mr. Charles Heady stated so you changed the plans that you originally for us right?

Mr. Michael Piccirillo responded correct.

Mr. Charles Heady stated at our work session they seem to agree that it would work out all right.

Mr. James Seirmarco stated we appreciate you responding in a very good manner.

Mr. Michael Piccirillo stated we're trying to have the Town [9:12].

Mr. John Klarl stated that's a good strategy.

Mr. David Douglas stated it's nice when somebody takes the not so subtle hints we make. Anybody else? Anybody else in the public who wants to be heard on this?

Mr. Charles Heady stated I make a motion on **case 4-11** to close the public hearing.

Seconded with all in favor saying "aye."

Mr. Charles Heady stated I make a motion on **case 4-11** to grant the Variance required an area Variance from a front yard setback an addition from a required **40** feet down to **34** feet **11** inches and for a new front stair from an allowed **34** feet down **31** feet **9** inches. SEQRA no further compliance required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated your Variance is granted and you can go see Mr. Hoch on Tuesday?

Mr. Ken Hoch responded probably Tuesday or Wednesday Mike will have that.

Mr. David Douglas stated be fair to Ken, make it Wednesday.

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RE-OPEN CASE 03-11

Applicant requests the case be re-opened to amend D&O #**03-11** to include the addition of a front portico on the existing stoop foundation on property located at **110 Watch Hill Rd., Cortlandt Manor**.

Mr. Charles Heady stated I make a motion on **case 3-11** to open the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated **case #03-11** is re-opened.

Mr. John Klarl stated by unanimous vote.

Mr. David Douglas stated which is required.

Mr. Lawrence Bennett stated KMR Construction representing Mr. and Mrs. May. We were here last month and we received approval conditional upon removing the one foot cantilever to the

front which we've done. This is the former drawing. This portion, this portion of the cantilever has been eliminated. We put a reverse gable portico on two columns on the existing stoop **41" x 81"**. There's your projection and there's your front elevation.

Mr. John Klarl asked so what's the projection?

Mr. Lawrence Bennett responded **41** inches. It's a total front yard setback of **23** at that point.

Mr. Charles Heady asked you changed everything we talked about last meeting to bring it in the way we wanted right?

Mr. Lawrence Bennett responded yes.

Mr. Charles Heady stated [14:55] use the portico that's where you are for now.

Mr. Lawrence Bennett asked correct me if I'm wrong but the approval last month was conditional upon removing the cantilever? We're now **26.5** which was the original setback.

Mr. Charles Heady stated I make a motion on case **3-11** to close the public hearing.

Seconded with all in favor saying "aye."

Mr. Charles Heady stated I make a motion on case **3-11** to grant the Variance an area Variance for a front yard setback from the required **50** feet down to **22.5** feet for a **4' x 7'** front portico, SEQRA type II no further compliance required.

Mr. Raymond Reber asked don't we still have to give a Variance for the second floor?

Mr. Charles Heady responded no we don't do that.

Mr. David Douglas stated we did that last week.

Seconded with all in favor saying "aye."

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NEW PUBLIC HEARINGS

A. CASE No. 06-11 **James Conners** for an Area Variance to allow an 8' x 12' shed in the front yard on property located at **28 Richmond Place, Cortlandt Manor.**

Mr. James Conners stated and my wife Suzanne applying for the Variance.

Mr. James Seirmarco stated I have some questions. The existing shed is in front of the fence right now.

Mr. James Conners responded in front of the fence, yes.

Mr. James Seirmarco stated I look at the aerial view review of your property I see – I can't tell what it is, is that another shed back there? Maybe you can put it up and I can point it out. What is that? So, this is the shed, this is your house. This older aerial view of the area...

Mr. James Conners stated we have another fence here.

Mr. James Seirmarco stated I think the fence behind the shed is here.

Mr. Charles Heady stated looks like a building back there.

Mr. James Seirmarco asked do you have another building back there?

Mr. James Conners responded it's a very low deck up against the fence.

Mr. James Seirmarco asked is this the fence here?

Mr. James Conners responded yes there's the fence and it goes all the way...

Mr. James Seirmarco asked and there's a deck here?

Mr. James Conners responded yes, a very small one.

Mr. Charles Heady asked that's a deck?

Mr. James Seirmarco responded that's a deck right in front of a fence.

Mr. Charles Heady asked in the back?

Mr. James Seirmarco responded yes. Here's the fence -- there's a small fence right here in front of a small deck. The deck would be – is it painted white?

Mr. James Conners responded no it's bare wood.

Mr. Charles Heady asked is that deck above the ground in the back?

Mr. James Conners responded it's about a foot off the ground. It sits right on the ground. It's a little stand inside – it's our dog's...

Mrs. Suzanne Conners stated it's a platform.

Mr. James Connors responded it's a platform for the dogs.

Mr. John Klarl asked is it elevated above the ground or is it plain?

Mr. James Connors responded it sits on the ground.

Mr. James Seirmarco stated first thing that comes to mind is the moving of the shed. The first thing that came to my mind was at least move it behind the existing fence, but there's a concern of mine that if the wind comes and blows the fence down there's no impetus for you to remove the shed again. I'm trying to think of a way to – and this is your front yard – you have two front yards. So, that's your front yard to the right of your house as well as the front. So, I'm trying to find a place or suggesting a place on this piece of property where you can place the shed that's not on either one of your side yards, or front yards.

Mr. Raymond Reber stated the front of your property is so unique that it really require a site visit. We should go there and try to take a look at the site [19:04] that makes sense.

Mr. James Connors stated somebody from the Town, I think it was Mr. Heady, was there a couple of days ago.

Mr. Charles Heady stated not in the back though. I wasn't in the back.

Mr. John Klarl stated he's one of the seven members of the Board right?

Mr. James Seirmarco stated we all discussed at that meeting on Monday and we all agreed that there has to be an alternative place for the shed. You can make a suggestion if you want to, by next meeting, to locate it in the backyard somewhere.

Mr. James Connors responded obviously, there's nowhere for me to put it. I'm going to have to get rid of it.

Mr. James Seirmarco stated that's why the rest of the Board felt we would all like to walk the backyard at least to see the hardship involved. You say there's no place to put it because of?

Mr. James Connors responded well, my yard is a hill, just the process to move it, I'm going to have to hire someone to move the shed and I'm going to have to tear down the fence to get a truck in there. I don't want to drive over my septic to move it.

Mr. John Klarl asked where's your septic in relation to the house or to the shed?

Mr. Raymond Reber stated see, again, I think this could be better handled at the site. I can't visualize any of this. I think we have to go to the site. You have to be there and then you can show us what the issues are and evaluate it firsthand.

Mr. James Seirmarco stated there are a number of things, there's four, five things that we're required to look at when you grant a Variance, 1) is it a self-created hardship? Obviously, it is. If you didn't have a shed there wouldn't be a hardship. Is there alternatives? Is the biggest one and I think that's one of the things that we have to look at the most. If there's really, extremely good reasons why it has to be placed someplace; your septic, or there's rocks, or there's steep slopes, or whatever. It has to be extraordinary reasons because if you just say "well, I'd like it there because esthetically it's nice there." That doesn't motivate us -- not motivate us but we're not allowed to give you a Variance regarding that. It has to be -- I can read you the requirements: "whether there's an undesirable change will be produced in the character of the neighborhood." Where it is right now, sheds in the front yard usually are not desirable by anybody. "Whether the applicant can achieve the goals with any viable or reasonable alternatives," but I don't know yet. "Whether the Variance is substantial." You would be the first one that we've allowed to -- not the first one but there's very few sheds in the front yard that I know of.

Mr. Charles Heady stated I don't think there's any we know of Jim.

Mr. James Seirmarco stated I think there's just that one that the front yard was so wooded that no one else could see it, but other than that I can't I've been on here 10 years I don't remember ever granting a shed in the front yard. "Whether the Variance will have adverse impacts to physical or environmental conditions to the neighborhood." People would say that a shed in a front yard is an adverse impact. And, "whether it was a self-created difficulty." By definition if you buy a shed, you created that. You don't have to meet every single one of these but the majority of them you have to show that there's a reason that you have to do these. I think the best thing to do is to schedule -- what's your pleasure as far as site visit.

Mr. James Connors stated the fact that it's been there for almost six years. I don't understand why it's suddenly a problem if it's there.

Mr. James Seirmarco responded it's whether there are violations that don't get turned in because the neighbor doesn't turn it in or somebody doesn't notice it. But once it becomes a violation by you making an application or by somebody saying "I don't like my neighbor's dog or fence, or shed" or whatever then we're obligated to respond. We don't police but we respond. We have no choice.

Mr. David Douglas stated for site visits, we generally do it on the weekend before.

Mr. Charles Heady stated we can do it during the week because it's daylight yet now.

Mr. James Seirmarco stated we might be able to do it the night of the workshop.

Mr. Charles Heady asked Monday night?

Mr. David Douglas stated if everybody else wants to do it that's fine, but I won't be able to make it.

Mr. Charles Heady asked when can you make it?

Mr. David Douglas stated for me personally, keeping it on the weekends is preferable.

Ms. Adrian Hunte asked the work session is the 11th?

Mr. David Douglas responded it's the 11th so we can do it on the 9th.

Mr. James Seirmarco stated then there's – at night is fine with me as long as...

Mr. John Klarl asked you placed the shed yourself about six years ago?

Mr. James Connors responded a company placed it.

Mr. John Klarl asked but you were the owner of the property?

Mr. James Connors responded yes.

Mr. John Klarl asked did they truck it in?

Mrs. Suzanne Connors responded at the time we didn't realize that's the front of our yard. To us, that was always the side yard.

Mr. John Klarl stated for those who are math students your property is a parabola.

Mr. David Douglas stated in terms of the site visit I'll be able to do next Saturday.

Mr. James Seirmarco stated Saturday's fine for me.

Mr. David Douglas stated so Saturday the 9th. What time would be good – in the mornings is preferable I think.

Mr. James Seirmarco asked is 10 ok?

Mr. David Douglas stated does 10:00 work for you?

Mr. James Connors responded yes, that's fine.

Mr. David Douglas stated we'll do a site visit Saturday, April 9th at 10:00 am and then we'll talk about it at the Monday work session on the 11th and then we'll consider it at the next meeting on the 13th.

Mr. James Seirmarco stated think of all the reasons that you can't place it someplace in the back yard.

Mr. Charles Heady stated it's a shame you didn't go to Code Enforcement and ask about the shed before you bought the shed to put it in because they would have told you that you shouldn't put it there in the front yard. It's really a self-created hardship by yourself really. Sorry to say but that's the way it is.

Mr. James Seirmarco asked anybody else have any comments about the shed? I make a motion on case #06-11 to make a site inspection on the 9th of April at 10:00 and to adjourn this to the April meeting.

Mr. John Klarl stated so, it will be on our agenda of April 13th. Have your site inspection on the 9th and the meeting on the 13th.

Seconded with all in favor saying "aye."

B. CASE No. 07-11 Crompond Road LLC (Bill Volz car dealership) for an Area Variance for new wall signs on property at 2293 Crompond Rd., Cortlandt Manor.

Mr. Pat Bonnie stated from Saxton Sign Corporation. I'm representing Bill Volz Chrysler.

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

Mr. Pat Bonnie responded the dealer is remodeling the building to comply with the new Chrysler Corporate image. Chrysler would like to remodel and redo all the signs over. In order to comply with Chrysler we're going to have to retrofit their pile-on signs which is going to be the same size as existing, it's just a new image. Also, to comply they have to put all the products in the building, which is Chrysler, Dodge, Jeep RAM, and the dealer name in doing so putting the signs out it comes to **101** square feet and we're only allowed **80**. So, we'd like to get a Variance to **21.53** square feet. And, also we're taking down **13** existing signs. The only signs that are going to be left are the ones that we're applying for.

Ms. Adrian Hunte asked what about the large sign...

Mr. Pat Bonnie responded we're going to retrofit down. It's going to be the same size. That's the sign on the first page.

Mr. John Klarl asked it's **101.5**?

Mr. Pat Bonnie responded total it's going to be **101.53**.

Ms. Adrian Hunte asked will there be signs on the sides of the building? I'm sorry did you mention that?

Mr. Pat Bonnie responded no.

Mr. David Douglas asked couldn't you be more in compliance with the sign Ordinance on the size limitations if you, for instance shrunk down the dealer name?

Mr. John Klarl stated which is **24.5** feet without the dealer name there's no Variance. The dealer logo is **24.5** but certainly reducing it would certainly help them along.

Mr. James Seirmarco asked by removing the word "Westchester" is that an impossibility?

Mr. Pat Bonnie responded we did remove "Westchester" and really didn't want to have it, but they wanted to bring the square footage down.

Inaudible

Mr. Pat Bonnie stated we're removing that.

Mr. Raymond Reber asked oh, you are?

Mr. Pat Bonnie stated that is a possibility.

Mr. James Seirmarco stated that will give you your **20** some odd square feet probably and you won't need a Variance.

Mr. John Klarl stated because the dealer name on the archway including "Westchester" Bill Volz plus Westchester was **24.5**.

Mr. Pat Bonnie stated right now without the Westchester it's **101.53**.

Mr. John Klarl stated oh, without "Westchester"

Mr. David Douglas stated what came into us includes "Westchester."

Mr. Raymond Reber stated look at page **22** where he gives the Bill Volz sign and that's the **24.5**

Mr. Pat Bonnie stated this was actually a sample that was sent to me and forwarded it to Ken just to give you guys an idea as to what it might look like the way it's super imposed, the way it sits in front. It's really not to scale – he's got more information on the scale. This is just to give you a better picture of what it might look like.

Ms. Adrian Hunte asked this is what you're proposing to make?

Mr. James Seirmarco stated if you drop the "Bill Volz" name down and cut off some of this other stuff on the top maybe you can get **20** square feet off that.

Mr. Raymond Reber stated "Bill Volz itself," if you look at page **22** in the package, is a **24" x 12'** sign, that's the **24.5** that they're talking about just for "Bill Volz."

Mr. David Douglas stated I don't have a page **24**. Mine ends on page **21**.

Ms. Adrian Hunte stated page **22**. This one.

Mr. James Seirmarco stated here it is. It's **22** actually.

Ms. Adrian Hunte stated **22**.

Mr. David Douglas stated page **22**? Again, my packet ends on page **21**.

Mr. Raymond Reber stated well, it says **22** on the bottom.

Mr. David Douglas stated what are you looking? It says **9** on the bottom. Is there something different?

Mr. James Seirmarco stated yes it's in this package.

Mr. Pat Bonnie stated I have a package too. All the other signs have been packaged at **21.5** foot.

Mr. Raymond Reber stated I only have one technical issue, it doesn't change significantly what we're doing but for accuracy purpose and consistency, they're showing the freestanding sign as being **33.9** and I challenge that. The reason I challenge that is if you go to your page **17** and show a freestanding sign with the Chrysler Dodge Jeep RAM, the dimension on that is **6** foot **4** inches height, I have no quarrels with that. You're showing **5** foot **4** and **8** as the horizontal dimension and they're using that to calculate the freestanding **33.9**. but, in fact, our rules say you include the support. The support is an additional **11.5** inches. If you add the **11.5** inches and you do the calculation you come out with **39.7** square feet instead of **33.9**. It increases the Variance required from **21.53** to **27.3**. Still within our capability but we are, for the record, to include the support.

Mr. Ken Hoch stated we had already granted them a Variance for that freestanding sign.

Mr. Raymond Reber stated yes, I'm not arguing I'm just saying for the calculation, for the record, the freestanding sign is not **33.9**, it's **39.7**.

Mr. Pat Bonnie stated we didn't know that because other Towns don't do that.

Mr. Raymond Reber stated no, but we do.

Mr. Pat Bonnie stated I understand. I'm just saying that's why we didn't do it.

Mr. Raymond Reber stated understood. It simply changes the Variance a little. It's more of a mathematical accuracy and consistency issue.

Mr. David Douglas stated I'm confused my page numbers don't match anything. It's just removing the "Westchester."

Ms. Adrian Hunte asked does anyone else have anything else?

Mr. Mike Verde stated the sales manager at the dealership. Any other information I may add, I don't know. We're obviously trying to be somewhat seen on this road. It is a requirement from Chrysler. I know that I don't care too much about that, however it's a rather large investment on a building that is – we're also making the entire front of the building stucco. You will not see that beautiful arch with those bricks. If you walk into our store, we are investing a lot of money in our store.

Mr. David Douglas asked when you say a requirement from Chrysler what specifically is the requirement from Chrysler?

Mr. Mike Verde responded when you pick up the Chrysler Dodge Jeep franchise all together, we bought the Lazaro's franchise and the Salerno Chrysler Dodge and put them together and we chose the building with the bad parking lot instead of the Salerno site that has an even worse building that needed a wrecking ball to start. So, that's where we are. So, we have to deal with that...

Mr. David Douglas asked what do they specifically require?

Mr. Mike Verde responded at that point they require an enormous amount of branding and one of the branding elements is when you have all three franchises is that arch. They come and inspect us. Quite often we lose a lot of points not having that arch which makes us less competitive in the marketplace against other Chrysler dealerships who do have that setup.

Mr. John Klarl stated different dealerships in different Towns and different Towns have different feelings.

Mr. David Douglas stated but in terms of the signage what do they require?

Mr. Mike Verde responded I don't think that that's really – it's the arch that ...

Mr. David Douglas stated the Variance you're seeking is not for the arch, it's for the signs.

Mr. Mike Verde stated when the arch, you're asking us to lower.

Mr. James Seirmarco stated no, just the top.

Mr. Mike Verde stated you said you can take some off the top of the arch. "Westchester" could be eliminated I believe. I don't think that's an problem.

Mr. Raymond Reber stated that's the only issue is taking off "Westchester." As long as the arch is part of the structure of the building that's acceptable. It's only when you have an artistic arch, like a McDonald's arch hanging off of this.

Mr. John Klarl stated I think the gentleman wanted to know if Dodge and Chrysler is requiring a freestanding sign, certain building signs from you?

Mr. Mike Verde stated I think it's just the brand signs. They didn't care if they're name was on the building less. They could care less.

Mr. David Douglas asked and do they have a requirement regarding the size of their brand names?

Mr. Mike Verde responded I'm sure to a degree. I think that we have them lined up. They're actually small because our fascia, they're not going to be on the arch, so the brand signs are going to be smaller because we have to stack them. We know some dealerships you have to put them along – we don't have the width for that.

Mr. Pat Bonnie stated these are the smallest one stock sizes that they make. They make several sizes and these are the smallest ones.

Mr. John Klarl asked but does Chrysler require that you put the brand signs on a freestanding sign and on the building or can you do it on one and not the other?

Mr. Pat Bonnie responded for the corporate language you have to have them on both. The corporate image -- you guys may not like that.

Mr. Raymond Reber stated

Mr. Mike Verde stated if you get a good look at that stencil, the one that has the "Westchester" on it gives you an idea. That's why I forwarded these to Ken so you have an idea of what it might end up looking like. You see where all the bricks are where all the brand signs are? That's going to be Volz.

Showed Board drawings.

Mr. David Douglas stated that's another page I don't have.

Mr. John Klarl stated that's the white jeep in front? I underscore that for the Board. They weigh your calculations.

Mr. Mike Verde stated I guess as you see the Honda store, the Nissan store, a lot of stores have a common theme to them. When you drive by "wow, I know that's a Honda store, it looks like a Honda store!" That's what they're trying to do of course, they want to people to get the similar experience at all the stores they go to and they want us to look a little bit more professional. So, we have opened up the checkbook and we're hoping to do so. So, that's kind of what we're trying to do.

Ms. Adrian Hunte asked do the rest of them look like this old one?

Mr. Mike Verde stated they don't look like it, we're a definitely behind as far as...

Mr. Raymond Reber stated this is a commercial strip so I don't really have a problem with what they're proposing. It's attractive, it seems to fit on the buildings. To correct the calculation simply would mean instead of **67.63** square feet they need **73.4** which again is within our ability to do if we so grant but I wouldn't have a problem with what they're asking for.

Ms. Adrian Hunte asked if you're set back farther than the other buildings on either side?

Mr. Mike Verde stated you don't see us until you're right on us. That's one of the problems there. The Triple A right before us is set way closer to the road as is the Crompond Country Store which is now is the training center so we're kind of coved back in there. That's what we chose so we have to deal with it.

Ms. Adrian Hunte asked does anyone else have any comments? Anyone in the audience? I make a motion on Zoning Board of Appeals case **#07-11** for Crompond Road LLC Bill Volz car dealership that we close the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated public hearing is closed.

Ms. Adrian Hunte stated on Zoning Board of Appeals case **#07-11** Crompond Road LLC Bill Volz car dealership I make a motion that we grant the Variance for the **73.4** square feet and this is to replace an existing dealership wall sign with four new wall signs on the building and one new wall sign on the new arch, which is the accessory structure and this is with the understanding that the "Westchester" under Bill Volz would be removed. This is a type II SEQRA no further compliance required.

Mr. John Klarl asked what was that dimension again?

Ms. Adrian Hunte responded **73.4** square feet.

Seconded with all in favor saying "aye."

Mr. David Douglas stated your Variance is granted.

C. CASE 08-11 Signs Ink on behalf of Go Wireless (Verizon) for an Area Variance for a new sign on property at 3121 E. Main St. (Cortlandt Town Center), Cortlandt Manor.

Mr. Tim Beachak stated on behalf of Signs Ink.

Mr. David Douglas stated tell us what you're asking for.

Mr. Tim Beachak stated we're asking for a Variance for the Verizon Wireless sign.

Mr. Raymond Reber asked how rigid is that particular design that they're asking for? This is the standard now for Verizon Wireless on all their retails?

Mr. Tim Beachak responded yes.

Mr. Raymond Reber stated the only reason why I ask is always find it interesting that companies will add little additions like "Go Wireless" on the bottom and all it does is shrink down the Verizon Wireless sign itself and make it hard to read, to me it would seem counterproductive. But as I just said, the printing is actually smaller than the letters on the adjacent stores. In that respect I can't really argue against what they're proposing. It fits within the physical restraints that we have on those buildings in terms signage. It seems reasonable even though because of the small frontage, you will need somewhat of a Variance.

Mr. John Klarl asked but Ray, you think it's consistent with what the other signs are out there?

Mr. Raymond Reber responded yes, in terms of the overall height they're in the same general overall height and the length of the sign is well within the frontage of the store it's not hanging over into a neighboring store. So, it's consistent with what you see along that strip with the other retail operations. I think the problem is that it is a narrow store front so that's why the square footage is quite limited according to the Code and they are pushing it to the max by going to **40** square feet but still that's not a lot when you figure the sign is over three feet high – they're only about **12** feet in length. So, it's not an obnoxious sign in terms of overall size.

Mr. David Douglas asked is this store roughly the same size as the Five Guys store?

Mr. Tim Beachak responded yes.

Mr. David Douglas stated the reason I'm asking is I see that we gave Five Guys a Variance for basically the same thing, **39** square feet rather than **40** square feet. Whether that was a right result or not I'll withhold judgment but it seems fair that we treat...

Mr. John Klarl stated we did look at the five factors for Five Guys.

Mr. David Douglas asked anybody else have any comments?

Mr. Raymond Reber stated I make a motion on case **08-11 Signs Ink** on behalf of Go Wireless Incorporated to close the public hearing.

Seconded with all in favor saying "aye."

Mr. Raymond Reber stated I make a motion on Zoning Board of Appeals case **#08-11 Signs Ink** on behalf of Go Wireless Incorporated for a Variance for a wall sign from an allowed **20** square feet up to a proposed **40** square feet. This is a SEQRA type II no further compliance required.

Seconded with all in favor saying "aye."

Mr. Charles Heady stated one other thing you've got to remember, that sign's got to be checked by Ken.

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ADJOURNMENT

Ms. Adrian Hunte stated I make a motion that we adjourn the Zoning Board of Appeals 3-16-11.

Seconded with all in favor saying "aye."

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**NEXT MEETING DATE:
April. 13th, 2011**