

ZBA MEETING – NOVEMBER 26, 2013

(Time Noted – 7:46 PM)

AUTUMN SKY DEVELOPMENT

254 ROUTE 17K, NBGH
(86-1-86) I / B ZONE

Applicant is seeking area variances for the maximum amount of allowed signage; signs shall be setback minimum 15 feet from the street line and directional signs shall not be greater than three (3) square feet to erect a new free-standing sign, a directional sign and signage on the building.

Chairperson Cardone: Our next applicant Autumn Sky Development.

Ms. Gennarelli: This applicant sent out fifteen letters. All the mailings, publications and postings are in order.

Mr. Cordisco: Good evening everyone. For the record I'm Dominic Cordisco from Drake, Loeb on behalf of Autumn Sky Development which is owned by Steven Michalski. Steven is here with me tonight and we are seeking a signage variance. Steven and his company bought the West Wings office building which is located on Route 17K a...adjacent to Racquet Road and a...just up from the Pilot Travel Center across the street on 17K. It's an existing office building and a...it has...this picture is a blow up of the proposed main sign. It shows the frontage and this sign here, which is an existing sign, which is to be removed. The sign...excuse me the building is known as the West Wings office building. This is the front of it. I'm sure many of you've seen it because of the distinctive clock that it has on...on...on the site. A...when Mr. Michalski bought the building he wanted to rebrand the building and also increase its visibility. A...the site, the way that it is oriented and also given the topography of the road of 17K and the a...the overgrowth that happens on the adjacent lots and the rise in the hill there makes it difficult to see down into the site. So as part of the rebranding Steve is going to a...change the name to Autumn Sky Plaza and he would like to erect a new free-standing sign that would take the place of this existing sign that would be removed and this is the design. This is a little bit deceiving because this is not an accurate, to scale rendering and a...but it gives you a sense of the location and the design of the sign. A...the a...signage exceeds...exceeds the required, excuse me, what...what is allowed in the Zone which is one hundred and fifty feet of signage which is allowed in the Zone. The site itself has three hundred feet of frontage along Route 17K so half of that is the allowed signage a...and that a...would be a...right now would...would be an allowed signage of a hundred and fifty feet. This is not the only sign that we're proposing. What we're trying to do is do a comprehensive signage across the site so we've included in our variance application all of the signage not just the stand alone sign but also the new sign here that would say Autumn Sky Plaza at Exit 6. It also would include all of the signages for the existing buildings that are located as well as directional signage so that as people pull into the parking lot and if you're familiar with the site, it has two levels. It has a lower level and then you drive around back. So the directional signage would provide arrows as to an indication of which offices are located where throughout the building. The signage, the total of the variance that we're requesting is three-hundred and eight square feet which sounds like a lot but a...a...to be quite honest its consistent with other variances that the Board has granted in the recent past. For instance, for the Hilton Garden Inn, the a...allowed signage for that site was forty-six square feet and the Board granted a variance for a total of four hundred and twenty-one square feet or three and seventy five square feet above

what was allowed. The proposed Holiday Inn, which is the a...Hudson...I think the current name is Hudson Valley Hotel and Conference Center a...had an allowable signage of only twenty-nine square feet. A...the Board allowed up to four hundred and forty-two square feet of signage for that building which was an increase of four hundred and thirteen. Here we're asking for less than that, we're going from a hundred and fifty allowed for a total variance of three hundred and eight. The sign itself or the free-standing sign I should say is also proposed to be closer to the front yard line a...because of the Route 17K right-of-way. The right-of-way extends deep into the lot. So if you'll see from the plot plan, which was included, you can see the property line and the right-of-way actually exceeds quite deep past the curb and onto the grassy area of the lot. We're proposing to locate the free-standing sign the closest it would be to the front yard lot line would be a...one foot a...rather than the minimum of fifteen that's required under the Code. To ameliorate that a...Mr. Michalski has proposed having a sign that has a clear a...see-through section so that it's not solid at the bottom. One of the things that that does is obviously it cuts down on the square footage of the sign but as drivers also pull up they'll be able to see through the sign as well. They do pull beyond here as you can see that the edge of pavement is here and you can see the white line here for Route 17K so they actually pull up and stop and queue further past the sign so I don't believe that the sign will create an impediment for traffic along that area but the thought was that since it will be clear, you can see through it that could only aid as people are pulling up and looking at traffic coming in both directions. And that's really it as far as the summing...

Mr. McKelvey: The sign is going to go on to the right-of-way to the highway?

Mr. Cordisco: No, it will be one foot set back from the right-of-way.

Ms. Smith: Is that...does that indicate where that one foot is, where you have that pylon...?

Mr. Cordisco: This does not unfortunately it's a...

Ms. Smith: Inaudible.

Ms. Gennarelli: Roseanne, I'm sorry, could you talk into the mic?

Ms. Smith: I'm sorry, I was asking if the visual indicates where the one foot would be and he said it did not.

Mr. Cordisco: It would be about here.

Mr. Michalski: Inaudible (from the audience)

Mr. Cordisco: Yeah.

Ms. Smith: Okay.

Mr. Cordisco: But it...it's not mark...ed on the...?

Mr. Michalski: Inaudible.

Mr. Cordisco: It is...it is on the site plan that we had submitted...

Ms. Smith: Right.

Mr. Cordisco: ...so but...but as far as the picture it would be approximately here.

Ms. Smith: On the site plan it looks like...is that illuminated?

Mr. Cordisco: Yes, it would be interior illuminated.

Ms. Smith: (Inaudible)

Ms. Gennarelli: Roseanne, Roseanne, just pull your microphone in...

Ms. Smith: I'm sorry.

Ms. Gennarelli: ...that's okay, I know.

Ms. Smith: Would the one on the wall be illuminated also where it says Autumn Sky Plaza?

Mr. Michalski: A...

Ms. Gennarelli: Mr. Michalski, if you could come up to the mic please?

Mr. Michalski: Can I see the a...the one over here would this be illuminated? A...I'm not sure. I...I'd have to let you know.

Mr. Cordisco: I don't believe it's proposed to...

Mr. Michalski: I don't...I don't think so.

Ms. Smith: I only ask because the...the picture we have here has two different prices so I was wondering if you...

Mr. Michalski: Oh, don't look at the prices.

Ms. Smith: ...it was going to be illuminated. No, I'm not concerned about the price, whether it's going to have illumination; it was a concern about that.

Mr. Manley: Dominic, any...is the applicant willing to assume the responsibility with the sign being so close to the right-of-way, in the event that the State needed to take property and needed to go two or three feet in if they widened Route 17K at some point do you understand...?

Mr. Cordisco: That...that Mr. Manley is always a risk, you know, and fortunately the State has a process where they do attempt to offer a compensation a...for any takings, for the road takings that might be required as part of that. If the sign would be need to be relocated we would suggest that that cost for relocating that sign further back, if the roadway was to be extended further, a...that...that sign a...that the cost of that relocation be borne by D.O.T. but that would be a, I'm sure, a multiyear process a...unfortunately.

Mr. Manley: And then you'd be coming back for another variance.

Mr. Cordisco: Well unless...unless...

Mr. Manley: More than likely.

Mr. Cordisco: ...well unless it was moving further back, you know, at that point and if it was consistent with the variance of whatever variance may be granted by the Board. We would argue that it would be no more cumbersome at that time; it would merely be a replacement, in kind. If that's what the situation is.

Mr. Manley: Now the other question is, would the number of tenants that you have on the main sign, closest to 17K, is that going to...I noticed there's a...six...six spots. There's probably more than six offices, yes, or no?

Mr. Cordisco: There...there are more than six offices and this is designed to be representational only. This is the...

Mr. Manley: Okay.

Mr. Cordisco: ...we've taken the entire square footage and this is all modular so as...as tenants come and hopefully they don't go a...we'll be able to replace these to reflect the...the a...the tenants.

Mr. Manley: So the thought is you may have to split that in half so that you have instead of six, twelve?

Mr. Cordisco: Either six or...or shrink them down so that you could fit perhaps eight on there...something along those lines. This would be the overall size and we're not asking for any additional square footage regardless of the number of businesses.

Mr. McKelvey: The nice thing you have there is all that land around there was cleared.

Mr. Cordisco: Correct, that was actually a welcome neighbor gesture a...because we don't own that property and we don't control it and so the neighbor was willing to allow that to be cut down to increase the visibility.

Mr. McKelvey: There is a big improvement.

Mr. Cordisco: Mr. Michalski is, you know, hopeful that a...to make this a more vibrant location a...he pointed out to me and I think that he's absolutely right is is that there's very few retail operations between a...the Route 300 intersection and all the way to Scott's Corners in Montgomery and this might provide Exit 6 a location for more retail and that would only come if they have the visibility and people know that's there so they can drive...busi...or people there to the business.

Chairperson Cardone: Do we have comments from the public?

Dr. Tedford: Hi, I'm Dr. Michael Tedford, I am the Ophthalmologist who is leasing one of the offices on the a...second floor and every day we have difficulties giving people directions including taxi drivers, ambulance, we have a number, a large number of elderly and disabled patients who get rides from a...public services and friends, neighbors and they have difficulty finding the right place to turn. Okay? The visibility of the...that whole stretch there has improved since the a...trees have been taken down in the neighboring lots but even so there are a lot of big signs up and down the road that get people's attention more than our...our office building. And I...it would be a...a relief...a great help to...to folks coming in. Thank you.

Chairperson Cardone: Thank you. Do we have any other comments from the public? Just identify yourself please.

Dr. Milizia: Yes, good evening, my name is Dr. Carol Ann Milizia, my practice; I've been a practicing Chiropractor at this location for nearly six years. I will tell you that strictly from a standpoint of comfort knowing that when clients come to our practice particularly those that have been traumatized in car accidents there's always that concern to make sure that they wait until the appropriate time to leave as well as to come. Unfortunately the only visibility right now that the building has regarding where our location is is affixed to the building. And very often you have to come at least to the point of entrance or past it when a client will see the visibility of the sign. However, if they were coming down 17K and there was an opportunity for them to see it in advance I dare say that we could all conclude that this from a safety standpoint would be so much more prudent especially for younger drivers because in our practice we have a very high propensity of high school age sports athletes that are starting to drive. And again, I'm sure as parents and as a...as well as a...we have elderly that come into our practice. We see anywhere from eighty visits a day so if we have eighty cars that area coming both in and out the same entrance it would be particularly helpful if the signage was...had a greater visibility so that people could anticipate better coming in and out. The last thing that you want to hear is that screeching sound which unfortunately one of my clients was involved in a motor vehicle accident at that entrance and they said that they just didn't have time because the building didn't have appropriate signage. And that's just the last thing that you want to hear when you're part of a profession that wants to help people regain their health from a more natural standpoint. So I would greatly appreciate any consideration whatsoever that the Board may consider from the fact that we have great viable businesses to contribute to the community but again visibility from the signage, from a safety standpoint is merely where I come from a...to hopefully help the a...situation at hand a...perhaps be considered. It would greatly be appreciated from a safety standpoint.

Chairperson Cardone: Thank you.

Ms. Badgley: Good evening my name is Tracey Badgley, I'm a partner with GKGC CPA's, we're also a lessor...a...a lessee from one of the offices spaces in Autumn Knoll or Autumn Sky, I'm sorry. Mr. Michalski has been doing amazing work there. I mean you saw from the clearing of that, he's trying to improve the property immensely and we're very appreciative of it. A...part of the problem what they're trying to do is put some signage inside to lead people around the building. If you know the building, you come in if you go to the left it's one-way. Some people go left and it's coming the other way so we want to not have that problem anymore. So they're planning to do something to lead you that way and lead you to the businesses around the back. A...another thing is I got mail today, they didn't know where our office was and I got mail today that said up the hill around the back. So nobody knows where the offices are located. They don't know how to get to us so this would be greatly if you could approve the sign variance.

Chairperson Cardone: Thank you. Do we have any other comments from the public? Do we have anything else from the Board? Mr. Canfield?

Mr. Canfield: I just have a question a...the other tenants, are there other tenancies that are occupied and if you could give us those?

Mr. Michalski: The other tenants are a...Dr. Tedford is here, there's also Radio Shack has a corporate office, a divisional office. There's a...Mr. McGillicuddy, the attorney, there's the Hanna Spa in the back, there is a...Zimmer which is an orthopaedic company, they have their regional sales office there and there's two vacancies. And a...a doctor is looking at taking one of the spaces right now but want to see the sign up. It's actually a a GI doctor, she wants to see the sign before she'll consider leasing it.

Chairperson Cardone: Thank you. Did that answer your question? I have the report from the Orange County Department of Planning and their recommendation is Local Determination. Anything else from the Board? Do I have a motion to close the Public Hearing?

Mr. McKelvey: I'll make a motion we close the Hearing.

Ms. Smith: I'll second.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Michael Maher: Yes

James Manley: Yes

John Masten: Yes

Roseanne Smith: Yes

Grace Cardone: Yes

Chairperson Cardone: Thank you.

(Time Noted - 8:06 PM)

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Chairperson Cardone: On the application of Autumn Sky Development seeking area variances for the maximum amount of allowed signage; signs shall be setback a minimum 15 feet from the street line and directional signs shall not be greater than three (3) square feet to erect a new free-standing sign, a directional sign and signage on the building. This is a Type II Action under SEQRA. Do we have discussion on this application?

Mr. McKelvey: I live in the area and I...I can see their point.

Ms. Smith: I agree it's difficult to see that building...

Mr. McKelvey: Very difficult.

Ms. Smith: ...from Route 17K.

Mr. Manley: The applicant demonstrated through testimony of numerous tenants that visibility was a huge issue.

Mr. McKelvey: I'll make a motion we approve.

Ms. Smith: I'll second.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Michael Maher: Yes

James Manley: Yes

John Masten: Yes

Roseanne Smith: Yes

Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

GRACE CARDONE
JOHN MC KELVEY
MICHAEL MAHER
JAMES MANLEY
JOHN MASTEN
ROSEANNE SMITH

ALSO PRESENT:

MICHAEL H. DONNELLY, ESQ.
BETTY GENNARELLI, ZBA SECRETARY
GERALD CANFIELD, CODE COMPLIANCE

(Time Noted – 8:28 PM)