

TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

June 24, 2004

OFFICE OF ZONING BOARD
(845) 566-4901

COLANDREA, PONTIAC/BUICK
39 Route 17K
Section 100, Block 5, Lot 37.21

Applicant is seeking to erect three building signs and permit an existing free standing sign on premises located at 39 Route 17K in the Town of Newburgh.

Erection of the building signs and the existing free standing sign will exceed the allowable signage for this location. Article V, Section 185-14.

All mailings were in order.

Pat Bondia of Saxton Sign Corp. represented applicant at the hearing.

Mr. Bondia stated the existing free standing sign is only 40.72 sq.ft. and not 65 sq. ft. On the wall we want to install 84.96 sq.ft. of illuminated channel letters and the Buick and Pontiac logos, which is part of the corporate image and required by the corporate head quarters.

Mr. McKelvey asked if the free standing sign is going where there is one right now.

Mr. Bondia replied yes.

Mrs. Cardone asked if there were any questions from the Board or questions or comments from the public. There being no response, she declared this part of the hearing closed.

Submitted by:

Mary Salantrie, Secretary
Zoning Board of Appeals

/ms

After consultation with the Board's attorney, Mrs. Cardone stated this is a Type II Action under Seqra and asked if there were discussion on this application. Mr. Hughes stated noting the difference what they said on the plan and what it really was, it is not as bad as it seemed to begin with. Mrs. Cardone asked if there were a motion to approve this application. Mr. Kunkel made a motion to approve. Mr. McKelvey seconded the motion. Mrs. Cardone asked all those in favor to please say "aye". All Board members present approved by saying "aye". Board Member Paul Blanchard was absent. The motion was carried.

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

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In the matter of the application of:

DECISION AND RESOLUTION

COLANDREA, PONTIAC, BUICK, INC.

Tax Map # 100-5-37.21

for a variance to erect building signs totaling 85 square feet and one existing free standing sign. Article V, Section 185-14 (B)(1)(c)

B.I. #1550

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The property which is the subject of this application is located at 39 Route 17K, Newburgh, New York and is designated on the tax map as Section 100, Block 5, Lot 37.21. It is located in the "IB" Zone.

Applicant is an automobile dealership which proposes to add building signage and a second free standing sign in order to adequately notify its customers of its business. Based upon the subject property's street frontage of 652 feet, the total amount of signage allowed is 326 square feet. Applicant currently has an existing free standing sign of 256.5 square feet, leaving 69.5 square feet of available sign square footage. Applicant's proposal to add building signage totaling 85 square feet and a second free standing sign at 96.0 square feet requires a variance from the total signage requirements of Town Code Section 185-14(B)(1)(c).

A public hearing on the application was scheduled for June 24, 2004 at the Town Hall, 1496 Route 300, Newburgh, New York. Notice of said public hearing, including the subject, date, place and time, was duly published and mailed. Proper affidavits of publication and mailing have been received from the applicant.

The public hearing was held on June 24, 2004. The applicant's representative, Saxton Sign Corporation, appeared at the public hearing and testified before the Board. The testimony and exhibits at the Public Hearing established that the applicant's property is located at the busy intersection of Route 17K and the New York State Thruway Ramp. Applicant will need additional signage throughout various locations of the building in order to inform its customers of its business and of the various services provided by the dealership. According to applicant the existing free standing sign is not sufficient signage to identify their building to the public.

Applicant proposes to add another free standing sign approximately 96 square feet and to place building mounted signage totaling 85 square feet. Pursuant to Article V, Section 185-14 (B)(1)(c) applicant will require an area variance as the maximum amount of signage permitted based on the street frontage of 652 feet is 326 square feet. There was no opposition against applicant's proposal.

The Board determines that this is an application for area variances and that the criteria which the Board must consider in determining whether or not to grant the variances is the factors set forth in Town Law Section 267-b. In considering the benefit to the applicant if the variances are granted as weighed against the detriment to the health, safety and welfare of the neighborhood and community by such grant, the Board has considered the following five factors:

I. WHETHER AN UNDESIRABLE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY GRANTING OF THE VARIANCE?

The subject property is situated in an interchange business district. Applicant supplied this Board with drawings and configurations of proposed signage and it appears that applicant's proposed signs will be consistent with the character of the neighborhood. Although the Board is sensitive to the detrimental impact that excessive signage may have on a neighborhood, this Board finds that the signs at issue will have no detrimental impacts.

II. WHETHER THE BENEFIT SOUGHT BY THE APPLICANT CAN BE ACHIEVED BY SOME METHOD FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE?

The Board finds that the applicant cannot achieve the benefit sought by feasible means other than the requested variance. According to the applicant, other than the existing one free standing sign, there are no building identification signs for the public's awareness. This Board agrees with the applicant that additional signs are necessary in order to properly identify the building for the public.

III. WHETHER THE REQUESTED AREA VARIANCE IS SUBSTANTIAL?

The variance is substantial. However, this factor alone does not require denial of the requested variance.

IV. WHETHER THE PROPOSED VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD?

The amount of signage proposed including the additional freestanding sign will not have an adverse impact on the neighborhood when considering the amount of signage found at other adjacent dealerships and nearby commercially developed properties.

V. WHETHER THE ALLEGED DIFFICULTY WAS SELF CREATED?

The applicant's difficulty is self-created. However, this factor alone does not require denial of the requested variance.

RESOLUTION

The Board determines that the applicant has met the requisites of Town Law § 267-b. The Board hereby grants the requested variance to the signage regulations of Town Code §185-14(B)(1)(c) to permit the erection of a second free standing sign at 96 square feet and various building mounted signs totaling 85 square feet.

The Board finds that such variance is the minimum necessary to address the circumstances of this application.

Present and Voting on motion to grant application:

Grace Cardone	Aye
Paul Blanchard	Absent
Ruth Eaton	Aye
Michael Maher	Aye
Robert Kunkel	Aye

John McKelvey

Aye

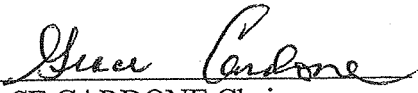
Ronald Hughes

Aye

Dated:

July , 2004

Newburgh, New York


GRACE CARDONE Chairwoman
Town of Newburgh, Zoning
Board of Appeals