

ZBA MEETING – FEBRUARY 28, 2013

(Time Noted – 7:25 PM)

GREENWOOD GARDENS, LLC.
(HILTON GARDEN INN)

15 CROSSROADS COURT, NBGH
(95-1-45.22) I / B ZONE

Applicant is seeking area variances for 185-14-B-1-(c) the total signage allowed for signage announcing a business including freestanding or attached signs and 185-14-B-2-(a) for one freestanding identification sign at each point of access having an area of not more than (3) three square feet apiece and 185-14-B-2-(b) for freestanding internal directional signs having an area of not more than (3) square feet apiece and erecting a sign less than (15) fifteen feet from any street line to erect signage at the Hilton Garden Inn.

Chairperson Cardone: The next application Greenwood Gardens, Hilton Garden Inn.

Ms. Gennarelli: This applicant sent out thirteen registered letters, ten were returned. All the mailings and publications are in order.

Mr. Cordisco: Good evening everyone. Is this on? I think it's on.

Chairperson Cardone: It should be. Is there a green light?

Mr. Cordisco: Yes, there is a green light.

Mr. McKelvey: Pull that mic, take it off.

Chairperson Cardone: You can take it off. Betty?

Ms. Gennarelli: We've been having an issue with the microphones.

Mr. Cordisco: Thank you, thank you. Is that...? That sounds better.

Chairperson Cardone: Much better.

Mr. Cordisco: Okay. Good evening everyone. Once again, my name is Dominic Cordisco from the law firm of Drake, Loeb located in New Windsor and it is my pleasure to be here tonight with Andrew Fetherston on behalf of this application. Just so you're aware, Greenwood Gardens LLC. is the owner of the Hilton Garden Inn and the owner of Greenwood Gardens LLC. is a fellow by the name of Martin Milano who built and owns the Hilton Garden Inn and unfortunately he could not be here tonight. So you're left with myself and Andrew Fetherston from Masur Consulting. The project, this is our first appearance before you, we are seeking variances of an area variance nature in connection with signage for the Hilton Garden Inn. The existing Hilton Garden Inn does not have any freestanding sign. Even though this is our first appearance we've actually been working on this for quite some time. We need an amended site plan approval and we've been before the planning board with a couple of different proposals that have been vetted

before we've reached you with the current proposal. I'm sure I don't have to explain to the Board that the nature of the Town's Zoning Code in connection with how much square footage of signage is allowed is tied directly to frontage, frontage along...along your street for access and as Andrew can point out we have very limited frontage even though this is a primary parcel that has a lot of visual access from 17K as well as from the Thruway. And with that said I'd like to turn this over now to Andrew so that he can walk you through the plan and orient you and we address any questions that you may have.

Mr. Fetherston: Good evening, I'd like to point out first a...the frontage for this lot is according to the Code is solely this one section, a very small section on the cul-de-sac totaling is about (86) eighty-six feet. Cutting that in half it only allows (43) forty-three square feet of...rough numbers...for a total signage for a facility of this size. The only signage that exists, I have a photo I wanted to bring that up to the Board so that they could see it...the only signage for the site and I'll pass this around is on this second peak from my right a...it says Hilton Garden Inn. I'll pass that around just so you can see the size of that. The building as it sits...

Chairperson Cardone: We are all familiar with the site and have been to the site.

Mr. Fetherston: I'll...I'll...

Chairperson Cardone: I said we've all been to the site.

Mr. Fetherston: Okay, a...the signage is about here up high on the building. It's about (750) seven hundred and fifty feet from 17K a...to where that's...to where the position where that signage is on the site. It's...it's terribly difficult to see from Route 17K and there's no signage for the Hilton in advance of someone passing, a traveler on 17K.

Mr. McKelvey: Isn't there a wooden sign? Now Open? On 17K?

Mr. Fetherston: There's no...there's no formal sign for a...

Mr. McKelvey: No, but that is a sign. There was a...

Mr. Fetherston: I'm not familiar with that....

Mr. McKelvey: ...small sign out front.

Mr. Fetherston: ...some photos of the area. I have a book of photos of...that I took now they're dated...if there is any sign there I don't know about it a...out on 17K. So what we're permitted...what we have approximately a...the existing signage a...up on the building is about (21) twenty-one square feet. Deducting that from (43) forty-three we're only permitted about another (20) twenty square feet of total signage. What we're proposing is a freestanding sign. It's (40) forty feet tall is what we're proposing. On a...adjacent to the right of way of a...Interstate I-87, there's a high point over here. You

can see this all on the photos as well. There's a high point a...at this location in between the drainage ditch and a...the storm water facilities for a...for the site. The sign that we're proposing is (40) forty feet high, the building is about (56) fifty-six, (57) fifty-seven feet high so it's...it's not as high as the building itself. We're proposing two signs. We're proposing the large sign along 87. We're also proposing just a...a directional sign at the cul-de-sac. The Code requires that that directional sign be (15) fifteen onto our property. Again in that book of photos I...I...I gave the Board Member a...there's extensive landscaping that's normally required in any application by the planning board. That extensive landscaping a...in the a...in the a...growing months all but would obscure anything that's (15) fifteen feet from that property line. So we're proposing a directional sign be brought much closer to the a...to the roadway so that it could actually be seen. So we're proposing a...we're requesting a variance of (378) three hundred and seventy-eight square feet. Also that directional signage the maximum square foot of the directional sign by your Code is (3) three square feet. A...we would like (5) five square feet a...again to make it visible and have our identification on it. A...we do have although the frontage is only (86) eighty-six linear feet at this location as...as your Code a...directs us to measure it. We do have over (600) six hundred feet if you include that a...section that's along I-87 at this location a...with what we have on the cul-de-sac but that's not how the Code reads a...that you're measure. A...as Dominic was saying, we have been through a couple of different a...a...iterations a...of the sign, we've reduced the height of the sign to bring it into a...compliance with the Zoning Code. One thing, we were in the planning board back in April and the reason we haven't gotten to your Board until now is we've been going back and forth with D.O.T. trying to get a sign on 17K a...the right-of-way of 17K at that location is very large, very, very wide and I'm assuming that because there's a bridge here on...for 17K carrying 17K over 87 I think that this right-of-way was left that wide should that bridge ever have to be widened they could re-route the road and move the road so we were trying to work with D.O.T. to allow us to have a lease out in their right-of-way to have that sign where you could actually see it. And again, if you go through my pictures you could see that somebody traveling east bound on 17K they don't see anything until they get past the cemetery because the cemetery is up very high. That's the original grade and it all but obscures everything until you get to this point. Traveling at the speed limit once you get to this point if you then happen by chance to look over to right to see the Hilton Garden you're already past the entrance. A...but we weren't successful in trying to get a...D.O.T. to allow us to get a sign out here. So we removed that from our plan that we a...showed to the planning board.

Mr. Donovan: So if I could just interrupt for a second? So on the referral from the planning board it talks about a variance for a sign not being on the same parcel as the business it is advertising...

Mr. Fetherston: That's right.

Mr. Donovan: So that...that request would be withdrawn then.

Mr. Fetherston: That was on our proposal but...

Mr. Donovan: Okay but just...

Mr. Fetherston: ...it's no longer a part.

Mr. Donovan: Okay.

Mr. Fetherston: That's right.

Mr. Cordisco: It was not included in our application because those efforts proved fruitless.

Mr. Donovan: Okay.

Mr. Fetherston: It's...it's actually owned by the same gentleman but it wasn't the same parcel so they were taking it to their letter of the law and a...would not permit that signage so...so it's very difficult a...so to...to have signage for this facility. So the sign, the only sign that's there is up high on the building. We're looking to this sign to try and attract customers traveling on I-87. Again where this is placed and the configuration of the off ramps it's really going to benefit us, we believe, for the travelers heading north because there is still the opportunity to get off the ramp which is over here. But once you're traveling south so you...you've already passed the ramp, you're next exit is Woodbury so you've already past the hotel. That's what we're trying to do.

Chairperson Cardone: Okay, I have a question for Mr. Canfield. The directional sign, do you have a picture of it?

Mr. Canfield: Yeah, it's an inlay on the plan.

Chairperson Cardone: Right. I have...I have...at the top it says Hilton Garden Inn and at the bottom it gives the direction. Is that common in a directional sign? That it would announce...?

Mr. Canfield: It's a little more elaborate in my experience a...although the Code does not describe. They give you dimensions but they don't describe, you know, what the consistency of the sign is.

Chairperson Cardone: Right, and a question for either for you or for Joe, the dimensions. What dimensions do you get in the square footage just so that we're...?

Mr. Canfield: (4.5) Four point five feet square feet on the directional sign.

Chairperson Cardone: Say that again.

Mr. Canfield: Times two, (4.5) Four point five feet...

Mr. Fetherston: Times one, it's only facing one way.

Mr. Cordisco: (Inaudible)

Mr. Fetherston: No, no, no it's here so there's no point in having any sign facing over there.

Mr. Canfield: So it's 4.5.

Mr. Fetherston: We said (5) five.

Mr. Canfield: Single faced.

Chairperson Cardone: Okay.

Ms. Drake: And what did you say was the maximum size you can have for a directional?

Mr. Fetherston: (Inaudible)

Mr. Canfield: The Code calls for (3) three square feet for directional signs.

Ms. Drake: Does part of the signage, that directional sign being it has Orange County Choppers on it count as part of the signage for Orange County Choppers?

Mr. Canfield: To answer your question, yes, you're correct. I just made that comment to Joe.

Ms. Drake: I'm glad I can read your mind.

Mr. Fetherston: You know, once you're...once you're down in the cul-de-sac it's painfully obvious which is which but a...my...my client wanted to get the sign if he could.

Ms. Drake: So if he was to remove the reference to Orange County Choppers would he be able to bring the sign down to the (3) three foot that's (3.5) three point five that's allowed (three (3) square feet) and not need an extra variance for that?

Mr. Fetherston: A...possibly...possibly...and take him off the bottom possibly. We didn't consider that.

Mr. McKelvey: But that...that...Jerry and with Choppers on there would it count toward their signage?

Mr. Canfield: It would be associated with the lot that it's placed on. I would say for calculation purposes.

Mr. Cordisco: We just thought it would be good planning, you know it's not...it's not really an advertisement in terms of logo. It's just once you're down there in the cul-de-sac in case you don't see the big motorcycle.

Mr. McKelvey: I don't think...I don't think you could miss...

Chairperson Cardone: Hard to miss.

Mr. McKelvey: ...the Chopper's building.

Mr. Cordisco: You know, I...I...I understand. I understand.

Mr. Maher: You know the only issue is, I mean, there are issues going on currently with the signage for O.C.C.

Mr. Cordisco: Which I would rather not become embroiled in. Thank you.

Mr. McKelvey: So would you consider taking the Choppers off that sign?

Mr. Cordisco: Sure, yes.

Ms. Drake: And would you consider bringing it down to the (3.5) three point five or whatever is allowed (three (3) square feet), reducing that sign a little bit then.

Mr. Fetherston: I think we could do that. Yeah, yeah I think we can do that.

Mr. Cordisco: We can do both.

Ms. Drake: Thank you.

Mr. Maher: Just...just one question for you what was the square footage of the sign on the building?

Mr. Fetherston: The sign...the sign on the building we measured at (20.75) twenty point seven-five square feet.

Mr. Maher: Jerry is that accurate? It seems a little small for the...the size of the sign on the building there.

Mr. Canfield: I don't have anything, Mike, in front of me. A...I could look at the site plan. I'm sure there was a signage chart on the original site that's...

Mr. Fetherston: We were not the engineers for the original site plan, that's where we got it. We had...we had no other means to get up there to get it.

Mr. Maher: No, I understand but it seems...it just seems to be such a large sign to be (10) ten foot by (2) two foot.

Mr. Fetherston: Right. That's what it is. Yeah.

Mr. Maher: You know it seems like a small amount of square footage for...

Mr. Fetherston: I don't...I don't...I don't know that it's (10) ten by (2) two but that's what we got from the site plan.

Mr. Maher: Well that's (20) twenty square feet...so that's what I'm trying to say, it seems to be...

Mr. Fetherston: Understood.

Mr. Maher: ...a little under what it...what it really is.

Mr. Donovan: And I'm sorry, if I could, I just want to make sure I have this tied together. I keep going back to Mike Donnelly's letter from December 18th, the referral from the planning board shows (5) five variances. Do I understand that the application is only for (3) three?

Mr. Cordisco: Correct.

Mr. Donovan: Okay.

Mr. Fetherston: Yeah, I think you have an...a...either a dated letter or a...all the variances we spell out clearly on the...

Mr. Donovan: December 18th.

Mr. Fetherston: ...on here,

Mr. Donovan: I'm sorry that's the date of the letter.

Mr. Fetherston: What year?

Mr. Manley: Mike if I pass this...Mike. If I pass this down to you do you think you could ballpark it?

Mr. Maher: I could try. I don't know.

Mr. Manley: I got a couple of windows there that...it might be close.

Chairperson Cardone: I have a report from the Orange County Department of Planning, which is Local Determination.

Ms. Drake: So in reference to the letter from the planning board attorney when they're talking about total square footage of signs now that you're not doing the one on the...along 17K does that reduce some of the variance in the application.

Mr. Fetherston: I don't know what letter you're reading, what numbers Mr. Donnelly put in there. We have the accurate numbers that were in the application to your Board and on my plan. I don't know if that's incorrect or not. As...as Dominic had said we were before the planning board a number of times with other iterations including that sign and that is not part of our application.

Chairperson Cardone: So item number (4) four on page (2) two of the application has the correct figures. Yes?

Mr. Donovan: And I just want it to be clear since Mike's letter identified certain variances, obviously it's your application, you figure out what variances you need and so that the record is clear, you know, that these are the (3) three variances you believe that you need and you are requesting and there may have been modifications for instance the 17K sign but that just explains what could be perceived in the future to be a discrepancy between Mr. Donnelly's letter and this application.

Mr. Cordisco: Correct. I mean, if I could? As Andrew had mentioned there was a number of iterations of plans before the planning board and so it's possible a...that Mr. Donnelly a...was looking at a different iteration or multiple iterations a...when he made his referral letter. The point is is that the variances that we're requesting are less than what Mike had recommended or referred to this Board. And there even less, it's what shown on the plan because we are committing tonight to making the directional sign meet the Code requirements. We are also removed all reference to the Choppers from that sign so we...we...I think the directional sign should no longer be an issue for the Board. The only other issue would be the stand alone sign.

Ms. Drake: The square footage would still be needed for the variance for the square footage of the directional sign because that's including in your total overall signs? Sign variance?

Mr. Fetherston: The total square footage for signage permitted, yes, correct. That would be a...I mean; if we said it was...it would be (2) two square feet less. If we said that that sign was (5) five, we bring it down to (3) three that's (2) two less. We were requesting (378.65) three-seventy-eight sixty-five square feet, we will be requesting 376.65 three-seventy-six sixty-five and that's what we would...we'll...we'll hold with that...that's fine.

Mr. Cordisco: One...one other comment I'd like to make to the Board is is that in other similar applications while you technically you cannot give credit to the fact that a parcel has frontage along a State Highway such as...as...as the Thruway it's my understanding that the Board as...as in past practice has at least considered that in its determination as

far as the fact that there is a great deal of frontage a...for this parcel along the Thruway and indeed for all practical purposes along 17K although the actual legal frontage is actually quite limited. I only mention it in the sense that it...of course, it doesn't change the requirements in your Code but it's something that you could weigh a...when you're making your determination.

Mr. McKelvey: Jerry, if I think if it's right they changed it you couldn't use the footage on the Thruway anymore...when we had the motel come in...the Town...the Town changed that.

Mr. Maher: Right, right.

Mr. Fetherston: We understand that.

Mr. Canfield: It's been viewed both ways.

Mr. Maher: One question, Jerry, Joe...Joe actually you said that the fact that the...the directional sign is on the parcel for Hilton that it wouldn't count towards the O.C.C.'s signage? Correct?

Mr. Mattina: Yes.

Mr. Maher: If this sign is placed on the vacant lot which is where you're putting it, correct?

Mr. Cordisco: No, absolutely not.

Chairperson Cardone: No.

Mr. Maher: No, I'm sorry; I thought...I thought it was going on a corner there on the vacant lot there.

Mr. Fetherston: No, our large sign is here on the lot...

Mr. Maher: Okay, I'm sorry I thought it was in the corner.

Mr. Fetherston: ...and the...and the a...directional...

Mr. Maher: The a...oh, the directional is there, okay I misunderstood.

Mr. Fetherston: Everything is on that lot.

Mr. Maher: I thought you were moving it further up toward 17K.

Mr. Fetherston: That was actually our issue with the signage that we were...that we would have like to have had on 17K, it wasn't adjoining our lot and it wasn't on our lot so that...that just wasn't go with a...the D.O.T.

Chairperson Cardone: Do we have any questions or comments from the public? Do we have any other questions from the Board?

Ms. Drake: I'll make a motion to close the Public Hearing.

Ms. Smith: Second.

Ms. Gennarelli: Thank you. Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Michael Maher: Yes

James Manley: Yes

John Masten: Yes

Roseanne Smith: Yes

Grace Cardone: Yes

Chairperson Cardone: Thank you.

Mr. Cordisco: Thank you very much.

(Time Noted - 7:47 PM)

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GREENWOOD GARDENS, LLC.
(HILTON GARDEN INN)

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Applicant is seeking area variances for 185-14-B-1-(c) the total signage allowed for signage announcing a business including freestanding or attached signs and 185-14-B-2-(a) for one freestanding identification sign at each point of access having an area of not more than (3) three square feet apiece and 185-14-B-2-(b) for freestanding internal directional signs having an area of not more than (3) square feet apiece and erecting a sign less than (15) fifteen feet from any street line to erect signage at the Hilton Garden Inn.

Chairperson Cardone: On the application of Greenwood Gardens LLC., 15 Crossroads Court, seeking area variances for the total signage allowed for signage announcing a business including freestanding or attached signs and for one freestanding identification sign at each point of access having an area of not more than (3) three square feet apiece and for freestanding internal directional signs having an area of not more than (3) square feet apiece and erecting a sign less than (15) fifteen feet from any street line to erect signage at the Hilton Garden Inn. This is an Unlisted Action under SEQRA. Do we have a motion for a Negative Declaration?

Mr. McKelvey: I'll make a motion for a Negative Dec.

Ms. Drake: Second.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Michael Maher: Yes

James Manley: Yes

John Masten: Yes

Roseanne Smith: Yes

Grace Cardone: Yes

Chairperson Cardone: Do we have discussion on this application?

Ms. Drake: So long as the directional sign is reduced to the (3) three square foot and removing the language of reference to Orange County Choppers, I'll make a motion to approve the application.

Mr. McKelvey: I'll second that too.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Brenda Drake: 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
BRENDA DRAKE
MICHAEL MAHER
JAMES MANLEY
JOHN MASTEN
ROSEANNE SMITH

ALSO PRESENT:

DAVID A. DONOVAN, ESQ.
BETTY GENNARELLI, ZBA SECRETARY
GERALD CANFIELD, CODE COMPLIANCE
JOSEPH MATTINA, CODE COMPLIANCE

(Time Noted – 8:44 PM)