

ZBA MEETING – APRIL 22, 2010 (Time Noted – 8:15 PM)

NOWAB HOTELS CORPORATION RTE 17K/WEST OF RTE 300, NBGH
(95-1-16 & 17) IB/A ZONE

Applicant is seeking area variances for the side yard setback and for signage for a subdivision of the lot and to build a hotel.

Chairperson Cardone: The next applicant Nowab Hotels Corporation.

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

Chairperson Cardone: O.K. our next applicant is ready, if we have conversations going on please take them out into the hallway.

Mr. Cordisco: Good evening, hello, it's nice to see you again I'm Dominic Cordisco.

Chairperson Cardone: All right a moment, Betty?

Ms. Gennarelli: Yes?

Chairperson Cardone: Did you talk about the mailings?

Ms. Gennarelli: Yes, I did.

Chairperson Cardone: O.K.

Mr. Cordisco: Allow me to introduce myself again, I'm Dominic Cordisco from the law firm of Drake, Loeb and I'm here on behalf of Nowab Hotels Group which is the applicant before you tonight. They are the current owner of the Quality Inn on Route...

Chairperson Cardone: If you could talk more directly into the microphone?

Mr. Cordisco: O.K. Sure, sure I understand. They are the owner of the currently Quality Inn on Route 17K and this is a proposal that's been pending before the Planning Board for the subdivision of an existing 12-acre site to create a 7-acre parcel for the Quality Inn with an additional 5-acre parcel for the Holiday Inn. I'm here with our project team tonight, which includes A.J. Copolla who is the design architect and also Justin Dates from Mazur Consulting who is the engineer and also from Nowab is the owner is Asif Javaid. He is also here as well and we would like to make a presentation to you. As I mentioned we've been before the Planning Board and have received concept approval for this proposal but then we need a number of variances. It's two in particular and one is in regards to a setback from between the two lots that we're proposing and the other is in regards to signage. The signage requirements of course are based on your requirement decided by the frontage. I'm going to let Justin Dates speak further about that in terms of

the full needs of the site. Of course, if we could have complied with the signage requirements we would have but this proposal for the new hotel is proposed to be a Holiday Inn and Holiday Inn has very specific guidelines and requirements that they require for signage on their future buildings. And so we are working within those constraints and we're here before you tonight. So at this point I would like to turn it over to Mr. Dates.

Mr. Dates: Hi, my name is Justin Dates from Mazur Consulting. I'm just going orient to everybody what the applicant is proposing. Just to orientate with the plan north is facing up, on the east side we have our access to Route 300 and then our frontage along Route 17K. It is a two lot commercial subdivision. We are proposing a lot for the existing Quality Inn, which is on the west side and then proposed Lot #2 is for the new 140-room Holiday Inn. In creating the lots and meeting the bulk requirements for the Holiday Inn which we do comply with, there is a side yard setback on the existing Quality Inn building up in this corner to the rear here which is deficient of the required 50-feet. We are at 42.3-feet so 7.7-feet deficient of the 50-feet required and that is based upon the location of the existing building and meeting all the requirements that were asked of us for the new Holiday Inn. I think I'd like to for the signage portion I'm going to turn it over to A.J. Copolla.

Mr. Copolla: Thank you Justin. I'm going to through kind of a lot of numbers but these numbers are best summarized in the drawings that we provided to the Board. I'm going to first look at signs sheet that is labeled Sign 1. Sign 1 deals with the signage on the Holiday Inn site and then Sign 2 deals with the signage on the Quality Inn site. Real briefly before I get into that again what we're proposing is a 4-story hotel, 120-rooms, this is a full service hotel, with a full kitchen, catering hall. It's not a Holiday Inn Express with kind of those amended, which doesn't have all those amenities. This is a full service hotel. So I'm going to go right down the signage chart and try and make sense of this so that everybody understands. Basically there are existing signs there and there some of the existing signs are going to remain and then there's new signage that we're...that we're proposing. So on the Union Avenue entrance side there is an existing sign, a Quality Inn sign right now that existing Quality Inn sign would be removed. There's a second smaller Quality Inn sign that's going to be proposed there that's going to basically point you up the hill. We have access on 17K and 300 to both hotels. Then there will be a new 13 1/2-foot high Holiday Inn monument sign proposed where the traffic light is on Union Avenue and that's basically in keeping with Holiday Inn's corporate requirements, with their colors. And we also did a study of the existing signage on that section of Route 300 and Union Avenue looked at the other larger hotel signage's there for the Ramada Inn and the Hampton Inn. Those existing signage are much larger than the signage that we're proposing here. So I think that's important. So further on down this chart here there's a large existing billboard that's up the hillside here. That sign is proposed to be removed. There's an existing Quality Inn sign on the property that's also going to be removed that's going to be closer to the Holiday Inn. That's going to be relocated again right here. Then there are three-signage channel lettering on the building itself. So there's one on the east end, one on the south end and one on the west end and those are noted on the elevation drawings and shown in the directory here, all the signage that the Board is aware of. All

the signage counts. So this whole table shows each sign, what the sign is in terms of the size of the lettering, the coloring, the lettering type, the height and width of the lettering. We've done a square footage tally that shows what's going to remain and then subtracted what's going to be removed the total at the bottom here. But basically then we have 442 sq. ft. that's the proposed signage. We're removing 281 square footage the net square footage of signage for all the signage that I just mentioned is 161 sq. ft. Basically by the numbers we're only allowed one half square foot per lineal foot of road frontage. We only have 58-lineal feet of road so that only allows us 29 sq.ft. of signage. So the net variance request 161 we're netting minus what we're actually allowed, the 29 gives us a variance of 132 sq. ft. So kind of have to digest that for a second. The other side is a little simpler. Again we're proposing two lots, two different hotels. The Quality Inn side, which is basically dealing with the signage on 17K, this signage, there's an existing monument sign that is there now, a large sign probably everybody is familiar with, that is going to remain. There's going to be a restaurant sign that's going to be added to that existing monument.

Mr. Cordisco: (Inaudible)

Ms. Gennarelli: Dominic, I'm sorry; you are going to have to grab that microphone.

Mr. Cordisco: Yeah, I just wanted to expand on that there is an existing Doolittle's Restaurant sign that's there that is going to be eliminated and the Doolittle's portion of it is going to be added to the existing Quality Inn signs.

Mr. Copolla: Sure. Thank you. We are going to add another Holiday Inn monument sign of 7' 6" high that's designated as business Sign #2. That is going to be right next to that existing monument sign and there's an existing billboard sign that you may or may not be aware of that's on the back side of the hotel right now and that's proposed to be to remain. And again, all of the square footages for those four signs are outlined, I'm looking and Sign-2 that plan. So if you go down that list you'll see the four signs. I think our variance request for this lot is just for what we're adding new. The 50- sq. ft., which is the business Sign #2, the rest of this signage is basically existing to remain or in the one case being relocated. So our variance request for this lot is 50-sq.ft. that's the sign that we're adding if that makes sense. So...so that's it in a nutshell. We have photos of the existing signage on the site now and I also have photos of the other hotels in the area that are adjacent to our site.

Ms. Drake: I have a question in reference to sign sheet Sign 2, you're saying that your variance is for the 50-feet but what is the...and you're allowed 210 sq. ft. allowable based on the road frontage.

Mr. Copolla: Correct.

Ms. Drake: What is your total sign area plus with our without the 50-foot?

Mr. Copolla: You'd have to add. I mean, we're over, I can see we're over probably 2100 if you look at the four signage, the four signs there.

Ms. Drake: You don't know what that total is by chance?

Mr. Donovan: Well, it's probably 2000 or it's in that...

Mr. Copolla: It's probably 2100 you can see 32, 50, 940, the billboard is almost 1200 so call that 9, 2100.

Mr. Donovan: So I guess just kind of piggybacking on Brenda's question is the for the variances the subdivision or are you...if we take into consideration both road frontages and the existing signs are you out of compliance now?

Mr. Copolla: Well its pre-existing non-conforming.

Mr. Cordisco: Correct.

Mr. Copolla: Even looking at the site right now without...without the new hotel we're pre-existing non-conforming.

Mr. Hughes: By what standard?

Mr. Copolla: The lineal feet of the road we only have 58 on the one side and our frontage on 17K is 420...yeah 421 that's correct.

Mr. Hughes: How is that pre-existing non-conforming? The Codes been here since '57, those buildings aren't that old.

Mr. Copolla: I mean I can't answer that. It is today what it is.

Mr. Hughes: Counsel?

Mr. Manley: Yeah but the big question is how did you get...? You're saying it's pre-existing non-conforming. Pre-existing non-conforming means it predates zoning. This building doesn't predate our Zoning Ordinance so that means that those signs have appeared after...

Mr. Hughes: Yeah. It's not pre-existing.

Mr. Manley: ...the structures were built which means Permits were never taken out on those signs.

Mr. Cordisco: Well that actually I don't know whether that's the case, I mean it could have been that a...at a prior time this Board granted variances for that signage. The signage variances are a typical request in this Town because of the strict limitations you

have on frontage. I just don't know. I know that the building is old enough that I probably was, you know, watching Star Wars when that building went up so I don't know, you know, if and when at that time what level approvals were. What we mean by pre-existing, non-conforming is that the signs are there so what we're trying to do is calculate based on what the existing signage is and what we're adding to it.

Mr. Manley: Right, but in the request that you said you only need 50-feet and in the other area you only need what did you tell me for the first one 161? That's really not accurate because you actually have got 2100 sq. ft. of signs and you're allowed 200 and something. That's really like a 1900 sq. ft. variance you are looking for.

Mr. Cordisco: I would agree with you if we were proposing new building and for the...where there is no Quality Inn now. The Quality Inn exists; the signage exists so what we're proposing is to add to it. And that's the net that we've shown in our application.

Mr. Maher: Well as far as the net goes, A.J. is that a double sided sign?

Mr. Copolla: A...

Mr. Maher: #2.

Mr. Copolla: Yes, a...

Ms. Drake: Please use the microphone.

Mr. Copolla: Oh, I'm sorry.

Mr. Maher: It's 6'4" x 7'6" is the size of it?

Mr. Copolla: Yes.

Mr. Maher: Which is 50 sq. ft., correct? Times two.

Mr. Hughes: Yep, it's 100.

Mr. Copolla: 42...50, yeah, so...

Mr. Maher: So it's actually 100 sq.ft. double sided.

Mr. Copolla: Oh it was double faced. I see down here and I see 25 sq.ft. if you look on the bottom here.

Mr. Hughes: Isn't it just for the one lens that your finger is on and the sign above it?

Mr. Copolla: Well again it's...

Mr. Hughes: That's the way I read it. That's the way...

Mr. Copolla: It's how it's calculated. If you read the note its tiny, tiny proposed double faced illuminated 25 sq.ft. so...

Mr. Hughes: I need to rewind the tape here. Counsel? We're not naming the cat what it is here. This is not a pre-existing non-conforming situation. The sign is there. It's existing but its not the legal term that you're using.

Mr. Donovan: Well I guess the answer is we don't know.

Mr. Hughes: What, we...I know the building isn't built before '57 and we've had Code since then so it can't be.

Mr. Donovan: Well...I...don't know...

Mr. Hughes: I was there.

Mr. Donovan: I wasn't.

Mr. Hughes: I know.

Mr. Donovan: I don't know what Permits are or are not in existence.

Mr. Hughes: But now having said that, he's barking up the wrong tree now. We've got a...he's looking for a variance and I would like to know how we got to the existing sign that's there to be as large as it is. If there was another variance that was given from a prior Board we need to know how we got there before we go and piggyback and make a mistake here.

Mr. Donovan: I mean the only...the other thing for the Board to consider is we did confront this not too terribly long ago with I'll just refer to it as Alan Axelrod's building because...

Chairperson Cardone: Yes, on Route 300.

Mr. Hughes: The same thing went on there.

Mr. Donovan: And ultimately what this Board did and I think wisely is...you didn't know how it got there, we couldn't demonstrate how it got there but you put a cap on the signage.

Mr. Hughes: O.K. so we've explained the borders and where it really lays and it's not pre-existing. It's not non-conforming.

Mr. Cordisco: Well that's fine and I don't...I'm not just to be clear, I'm not hanging my hat or relying on that.

Mr. Hughes: I'm not getting into semantics either...

Mr. Cordisco: Right, right.

Mr. Hughes: ...I just want to make sure we're calling the thing what it is.

Mr. Cordisco: Right, it certainly is existing, you know, at what level it got approval in terms of whether it required variances or whether it was approved by the Planning Board at the time I just...I can't say. And I don't want to speculate this because I'm not privy to that information.

Chairperson Cardone: Jerry, do you have...excuse me, Jerry do you have any information on this?

Mr. Canfield: A...yeah, I think there's a couple of things going on there and I think Mr. Manley and Dave both hit the nail right on the head. I think the issues are being clouded with the verbiage of pre-existing non-conforming. That's not the case here. I don't believe there's any provisions in the Code for signage that deal with that so I think maybe it would be a benefit to everybody to remove that nomenclature. The issue at hand is that, yes, there is a total square footage of signage that the applicant is proposing and what's there but I think that it would be best that the Board look at what the applicant is looking for as a total square footage. Quick calculations on the first sheet is like total 442 sq. ft. and on the back sheet is a total of 2206 sq. ft. I think it would be in the best interest for everybody if the applicant would request the variance for the total square footage of the signage. In the past, we have done just that. Not so much as how we derived to this point. I don't know that that's going to prove benefit to anyone. At the break, I can offer for some of the Board Members I can go look at the Building Department records. Quick check and see what was issued, how they've arrived at this point. However I don't know that it will serve any purpose. The fact still remains is that we do have a total square footage of signage for each site that they're looking for and a...for proper enforcement and clarification should the Board choose to issue the variance the total square footage should be in the resolution. So it's enforceable from this point forward. I hope that answers your question.

Chairperson Cardone: Yes, thank you.

Mr. Cordisco: Just to be clear on that particular point, we were not trying to hide anything in regards to this. In fact, the signs are in plain sight. All we were trying to do is demonstrate the difference between what's there now and the additional signage that we would be asking for. If you want a calculation, for what's going to be there completely after if the Board decides to grant the approval and we get site plan approval then we can certainly provide that. So we're not trying to hide anything here. It's just that we were

trying to show you the demonstration between the total that's out there now and what we're going to be adding.

Mr. Hughes: Anthony, do you have off your take off sheet real sign numbers?

Mr. Copolla: Yeah, I mean...

Mr. Hughes: The total?

Mr. Copolla: The total is here for a... Sign #1. This was done on an Excel Spreadsheet and if you just go down the list again all the numbers are there. It's 442 gross, 9 is what we're removing, the 281, that leaves us a net of 161.

Mr. Hughes: And you're asking in total for 2648.

Mr. Copolla: You...well...

Mr. Hughes: That's what I have when I added them all up.

Mr. Copolla: Well it's the 161 and then if you add the four signs on the other side. I didn't add...if you added these two to that.

Mr. Hughes: Well can you give us a total figure?

Mr. Copolla: Well I don't have a calculator. You'd have to add these four.

Mr. Hughes: If you give me the numbers I'll tell you the answer.

Mr. Copolla: 32 plus 50 plus 940 plus 1184.

Mr. Hughes: Thank you.

Mr. Copolla: I mean, the only thing I want to throw in there is that these are proposed to be two separate lots.

Mr. Hughes: 2206.

Mr. Manley: Earlier when you started your presentation you had stated that the hotel was going to be 120 rooms but yet in the information that the Planning Board has here and its dated August 20, 2009 it says 140. Has there been a change in the number of rooms?

Mr. Copolla: It's 120 rooms. Yes.

Mr. Hughes: You also said in your narrative when you opened that there was going to be kitchens in every one of these rooms?

Mr. Copolla: I didn't say that. We've already been to the Planning Board. The Planning Board asked that question. That's not what I said at all. I want to be clear about that.

Mr. Hughes: O.K. you said they were full kitchens.

Ms. Drake: No.

Mr. Cordisco: No I don't think we said anything about kitchens.

Mr. Hughes: Really.

Mr. Copolla: I said this was going to be a full service hotel with a public kitchen and...

Mr. Hughes: I thought you mentioned a full kitchen in each room of the 120 rooms.

Chairperson Cardone: No.

Ms. Drake: No.

Mr. Cordisco: No. There will be a kitchen in a restaurant.

Mr. Hughes: Jerry, what is say they're allowed to do in that one with kitchens? 25% is the most?

Mr. Canfield: 25%, correct.

Mr. Hughes: I must have heard things then I don't know. I thought you said that there was.

Chairperson Cardone: I think he was referring to the main kitchen that would service the restaurant.

Mr. Copolla: That's correct.

Mr. Hughes: So you have a full kitchen to serve the public in the restaurant?

Mr. Cordisco: Right and that would be the only kitchen.

Chairperson Cardone: Right.

Ms. Drake: Use the microphone.

Mr. Hughes: So there's no kitchen in the 120-rooms?

Mr. Copolla: In each room there is going to be a mini-frig and a microwave.

Mr. Hughes: O.K.

Mr. Copolla: And we've presented that to the Planning Board and based on their opinion that is not...it is certainly not a kitchen.

Mr. Hughes: All right. Thank you.

Ms. Drake: Out of curiosity is each lot going to have sufficient parking for each hotel? I know that's not really our issue but I just wanted to ask that question.

Mr. Cordisco: That's a good question. I'll let Justin answer that.

Mr. Dates: We have provided on the entire site the required parking for each of the hotels.

Ms. Drake: Under each own lot or...?

Mr. Dates: No there is parking on lot #1 for the proposed hotel so there would be an access and parking easement between the two lots...

Ms. Drake: O.K.

Mr. Dates: ...to share some of that parking.

Mr. Hughes: And the forty-six spaces of bank that you spoke about?

Mr. Dates: Yes.

Mr. Hughes: Are they on both lots or one lot?

Mr. Dates: No they are on the Holiday Inn, the proposed Holiday Inn lot which is being banked basically that there's a substantial span of trees in that area that by banking that we would be saving that in an effort to provide screening for some of that parking for the Holiday Inn. And the Planning Board was in favor of that to preserve that screening if possible.

Ms. Drake: I know the existing Quality sign the pylon sign is existing. Is there any option or considered in replacing that sign with something smaller being all the other signs are so much smaller to reduce the size, the extent of the variance?

Mr. Copolla: I think part of that answer lies in the fact of what the Quality Inn will eventually become and the Planning Board had an interest in that. In other words, our proposal to them was for basically the Holiday Inn. I know Mr. Javaid maybe can speak to that a little bit but I think when that hotel is eventually redeveloped or torn down and replaced after this building is built then that would be part of another application for that site plan and the signage, I think, would be considered at that time.

Mr. Hughes: Is this a phased project you're working on?

Mr. Copolla: No. We're presenting to the Planning Board everything that you see here which is keeping the Quality Inn in operation and the way it is right now and adding the full service Holiday Inn. All I'm saying is at some future point after this building is built that building probably be...

Mr. Cordisco: It would renovated, it would be remodeled and renovated with the rooms actually be expanded and conversion of the restaurant space into additional meeting or office space because we don't...the two hotels are going to remain under common ownership. We don't need two restaurants out there if we're going to have a brand new restaurant site. That will be where the traffic is drawn for that particular use and there would be better use of the Quality Inn site, the Quality Inn site to remodel it at that time. But that would be done after the Holiday Inn is constructed.

Ms. Drake: But if we granted a variance now for the total signage for everything that's there regardless of how it got there then if and when the Quality Inn gets renovated or they change that sign they'll still have a variance for that same size sign and that signage will not be addressed at that time because they will already have a variance for it. So I'm asking now would it be considered...would you consider reducing that very large sign to something a little bit smaller in keeping with the other...the Holiday Inn sign? Because it actually makes the Quality Inn so much bigger than the Holiday Inn.

Mr. Copolla: I mean, I don't know not to speak but we...I think we would look at all four signs that we are proposing. Three of the signs that are on that site right now, there's a billboard sign and then there's the large monument sign on 17K. I mean, we might maybe consider both of those, one of those if you understand what I am saying.

Ms. Drake: No, sorry.

Mr. Cordisco: One of the things that was rejected by Holiday Inn corporate was a combination of the two signs. When we were wrestling with making this application one of the things that we thought about was replacing that sign, the Quality Inn sign and having a joint sign at that point showing both Quality Inn and Holiday Inn. That was absolutely rejected flat out by Holiday Inn saying that they required their own stand alone sign a...to direct traffic towards the Holiday Inn. So at this point there are no plans to replace the Quality Inn sign because it has to remain and its going to take over the additional function of at least for now pointing people to the Doolittle's Restaurant. Doolittle's Restaurant is a separate sign now. That's going to be coming down and the advertisement will be placed on the Quality Inn sign.

Mr. Manley: I'd just like to go, Mr. Cordisco, I'd like to go back to the letter that you sent to the Zoning Board on March 16th. In that letter again it said construction of 140-room Holiday Inn Hotel and the testimony from everybody here tonight keeps saying 120 so you know...

Mr. Cordisco: That was, if that was the case then that was a mistake on my part.

Mr. Manley: O.K. because its also consistent, your letter is consistent with that testimony within the Planning Board so I really...

Mr. Cordisco: There maybe a confusion, I thought that the Quality Inn was an existing 120-room facility and that the Holiday Inn is proposed to be 140.

Mr. Manley: If the Zoning Board were to grant a variance would there be any issue putting in there that this variance is being granted for 120-rooms so that if you go to the Planning Board and its 140-rooms that...

Chairperson Cardone: That really has nothing to do with the size of the sign though.

Mr. Hughes: That's true.

Chairperson Cardone: I don't think that legally we would be able to make a stipulation like that.

Mr. Manley: How about with the setbacks though? With the setbacks, that's also a variance, correct? With the lot line.

Mr. Donovan: Well, I mean, if we...if you decide to grant the variance, I mean, you could sure jimmy around with the rooms but make it room smaller or larger but I don't know what the nexus is between the condition we imposed and the sign variance application or that setback variance application. If we were asking...if they were asking us for a parking variance then the number of rooms would be important. But since they're not asking us for that I don't...I don't see the connection between the condition and the variance being requested.

Mr. Canfield: If I may Dave though? There is a significance of 120 or 140 rooms. Jim is right, the Planning Board minutes reflect the application was for 140 rooms. The project narrative to the Zoning Board states 140 rooms. If the applicant is telling you now its 120 rooms there is a significant difference and how it further impacts the project is is that you're daily sewage flows that were submitted to the Planning Board were based on 140, the parking calculations were based on 140 rooms so there is ramifications but then this difference of 20 room will make a difference and impact this project.

Mr. Donovan: I don't think there is any question about that. I think the issue for us is whether or not a condition that we impose should this Board decide to grant the sign variance and the setback variance does it somehow relate to the number of rooms? And that's where I'm not finding the connection there but for the...

Mr. Canfield: You're 100% right.

Mr. Donovan: ...for the Planning Board it's a huge issue obviously, yeah.

Mr. Canfield: Yes and as a matter of record though I think that both should coincide. I'm believing it may be a typo or someone's got misinformation on 120 rooms.

Mr. Cordisco: It could be.

Mr. Hughes: It's a reduction nonetheless so it really can't put us in jeopardy. And I agree with counsel that it really doesn't have a bearing. The signage is based upon footage and ...

Mr. Donovan: Yeah, three strikes and I'm out so don't do that again. That's twice tonight.

Mr. Hughes: I won't scare you and I'll lay off you now. But, you know because if there's a reduction and if it's a misprint I would suggest that we write a letter to sharpen up the communication and make sure everybody knows what's going on.

Mr. Donovan: And again I guess Jim's question is, it's a huge issue. The owner is here. I'm sure he can tell us how many rooms.

Mr. Javaid: I think it's going 120-rooms. The (inaudible) was when we first proposed the building it was 140 rooms but some of the rooms were combined and we made suites and when rephrased the application we did not get the count because two rooms became one on certain floor on certain side of the building but I think the final number will be close to 120 if not exactly 120.

Mr. Donovan: O.K. But for the issues Mr. Canfield is bringing up and Mr. Manley is bringing up at the Planning Board you're going to have to...it's going to have to be 122 or 119 or its going to have to be a...

Mr. Cordisco: We'll have to have a finite number at that time.

Mr. Donovan: Yes, right.

Mr. Cordisco: I would say that in that regard however if we did propose as I understand it 140 rooms to the Planning Board and we calculated parking based on that amount if we're going down by a reduction of 20 rooms to where...that's a net benefit that favors us in terms of our parking and our sewer demand and other aspects. But we can finalize that and certainly when we're before the Planning Board.

Mr. Hughes: One of the things that exists here though I'm really not comfortable with segmented thing that goes on about O.K. well they're going to revitalize this later and they're going to do the other hotel over. Are you going to be back again for more signage requests then?

Mr. Cordisco: Just to be clear, there are no present plans to remodel or renovate the Quality Inn. Those plans would only take place and be developed after the Holiday Inn is up and running. The Quality Inn is going to stay so. It's not segmented in the sense that we have plans in our back pocket that we're just not showing you at this time.

Mr. Maher: Was it not discussed at the Planning Board meeting about changing some of the rooms over there?

Mr. Cordisco: Yes, yes, making the rooms larger as I had mentioned.

Mr. Maher: Were there offices mentioned also?

Mr. Cordisco: I believe so. I'm not sure. I wasn't there.

Mr. Maher: What's the current Quality Inn, does it still have the Quality Inn moniker on it?

Mr. Cordisco: It does.

Mr. Maher: And what is the current clientele base?

Mr. Javaid: It's a chain and (inaudible)

Ms. Gennarelli: Excuse me, could you hold the microphone a little closer it's not picking up.

Mr. Javaid: We have corporate business, we have leisure business and a combination of everything else, its about 20% in each category, people come, construction workers, corporate business, sales, and then just families on vacations and so on.

Mr. Maher: Is there any Social Services Section Eight housing going on there?

Mr. Javaid: No, no.

Mr. Maher: None.

Mr. Javaid: No.

Mr. McKelvey: There was a sign out in front something about Knight's something last week.

Mr. Maher: It said Knight's Inn on it.

Mr. McKelvey: Knight's Inn.

Mr. Javaid: That's what we are trying to change into, just the franchise, not the building.

Mr. McKelvey: Yeah, oh O.K. and then it's not going to be Quality Inn then in the end. I mean it doesn't matter to us.

Mr. Javaid: We didn't want an issue if we started calling it Knight's Inn until it physically happened but then you would say what is this?

Mr. McKelvey: No, I understand.

Mr. Javaid: But its just changing the franchise from one to the other not even the franchise just the brand name. It's going to be Knight's Inn rather than Quality Inn.

Ms. Eaton: Is it open right now? Is the Quality Inn or Knight's Inn open right now?

Mr. Javaid: Yes, yes it's open. It's open.

Mr. McKelvey: So the Quality Inn sign is front is going to be changed to Knight's Inn then?

Mr. Javaid: Yes.

Ms. Eaton: If you are granted the variance when do you expect to start construction?

Mr. Javaid: Once we get everything in place and get the financing together. We are supposed to do it by the end of summer.

Ms. Eaton: The end of summer?

Mr. Javaid: Yes. That's...we have some guidelines from Holiday Inn.

Ms. Eaton: Do you plan to do anything with the road coming up from 300 in the near future? That's in pretty much disarray right now.

Mr. Javaid: The road is on the...

Mr. Cordisco: That is proposed to be improved from 300 all the way into the Holiday Inn site.

Ms. Eaton: Lot of garbage around up in there it's very unsightly right now. I noticed a lot of old furniture laying out on the side of the road.

Mr. Javaid: After the winter everything is cleaned up and I don't see anything. I drove this morning there, there's no...

Ms. Eaton: I was there on Monday.

Mr. Javaid: Maybe I missed something I'll go there again tomorrow and clean up if there is anything left.

Ms. Eaton: I think it would be a good idea.

Mr. Cordisco: That may not be on your site. The access drive does go along the property line so it may be that whatever you're talking about that out there may not be on our property.

Ms. Eaton: O.K.

Mr. Cordisco: But he will double check.

Ms. Eaton: O.K. Thank you. On the left as you go around the loop.

Mr. Javaid: Yes.

Mr. Cordisco: And getting back, if I may? To the issue regarding the overall amount of signage when you're going through the exercise of adding everything up to come up with a whole gross amount of what the future signage would be at the site one of the big numbers that you're seeing there is a result of the existing billboard sign which is not currently being used for advertising. Just if it is concerning the Board Mr. Javaid has told me that he is willing to eliminate that billboard in favor if that was an issue for the Board and that actually reduces you down by over 1100 sq. ft. It would be a significant reduction for the overall site.

Mr. Hughes: Well one of the things that I see here is one of your Holiday Inn signs is 30-foot long and another one is 24-foot long and then you have the billboard and all the other stuff. When you add them all up I come up with 2206 and you're supposed to be allowed 442. That's five times, that's 500% is what you're asking for and that's why we're going through this with a fine tooth come.

Mr. Copolla: Well I mean...

Mr. Hughes: It's a considerable and a substantial increase of what you're allowed to have.

Mr. Copolla: We can go through that with Code Compliance or Jerry's office or whomever sign by sign. We believe we've outlined everything as Dominic said. All the numbers on here, we believe the numbers to be accurate.

Mr. Hughes: Do you come up with 2206?

Mr. Copolla: That was what we added before is what you're saying?

Mr. McKelvey: If you take down the billboard you are going to eliminate 1100 sq. ft.

Mr. Hughes: So you'll only be...

Mr. Copolla: Half of that, I mean from the total site.

Mr. Hughes: ...900 over then instead of...

Mr. Donovan: Are we talking which lot are we talking both lots combined?

Mr. Cordisco: Yes, and you're...that's one of the issues as well.

Mr. Donovan: Yeah, because we'd have to separate that out because they are two separate lots.

Mr. Hughes: So, do you own the roads and the reciprocity with the parking on both places?

Mr. Cordisco: Yes there would be common ownership between the two but in case that there wasn't future common ownership as part of the Planning Board approval we would certainly have cross easements to ensure and maintenance agreements so that the...if there was separate ownership in the future that those areas would be maintained.

Mr. Hughes: Well the elimination of the 1100 feet is good for openers but you still have like a 900...do you got a percentage on that?

Mr. Cordisco: Mr. Hughes, that's why I'm always hesitant to suggest something out there like that because a...you know, good for openers is actually a significant reduction.

Mr. Hughes: It is but not when you consider the whole package. I know when I sell my truck and I want six grand for it I start with seventy-five hundred on the window. It's hard to work them up.

Mr. Cordisco: Fair enough fair enough.

Mr. Hughes: It's easy to work them down.

Mr. Cordisco: But I still think that its important that the Board keep focus on the fact that there is existing signage out there that is going to remain and you're looking at ultimately what you have to decide is how much additional signage is appropriate for this site.

Chairperson Cardone: If I could for the record read the recommendation from the Orange County Department of Planning which is Local Determination.

Mr. Cordisco: Thank you.

Chairperson Cardone: Jim, you had something else?

Mr. Manley: I wanted to ask is the distance between the old...the Quality Inn that is going to be remaining and the Holiday Inn is approximately how many feet?

Mr. Dates: It's probably around 110 at the closest point.

Mr. Manley: 110 feet?

Mr. Dates: I do believe, yes.

Mr. Manley: And is there going to be a drive, I can't really tell, is there going to be a drive between the two of them there?

Mr. Dates: Yes, there is an existing parking along this side of the Quality Inn here so this would connect through to the back to access parking in the rear and then the access drive coming up from 300 does circulate a two-way.

Mr. Manley: And its two-way not one?

Mr. Dates: Two-way, correct, yes two-way.

Mr. Manley: So you're looking about 40-feet of pavement? 42-feet of pavement?

Mr. Dates: No more like with double side parking it's about 64.

Mr. Manley: O.K. Jerry, is the...from the Fire Department standpoint?

Mr. Canfield: At the Planning Board level our office did review it with the jurisdictional Fire Department and the project does meet or exceed the Fire Code requirements which in a building of this height the driving width is 30-feet wide which this does meet.

Mr. Manley: Thank you.

Ms. Drake: On the site plan there could you show me the variance is for the side yard? We actually didn't get that plan.

Mr. Donovan: Yeah, we have the sign set but we don't have the subdivision.

Ms. Drake: Right.

Mr. Hughes: This is what we have.

Ms. Drake: Just the sign set.

Mr. Cordisco: My apologies.

Mr. Dates: The side yard setback that's deficient is on this side of the proposed lot for the Quality Inn. The property line itself between the two lots jogs kind of around the proposed Holiday Inn building. So it does meet all the setback requirements, the Holiday Inn and the one deficiency is right here, the side yard of the Quality Inn.

Mr. Cordisco: By 7.7.

Mr. Dates: 7.7.

Mr. McKelvey: The Holiday Inn sign you're putting on 17K is going to be on Quality's property?

Mr. Cordisco: Yes, the Holiday Inn site...

Ms. Gennarelli: Excuse me, I'm sorry. Thank you.

Mr. Cordisco: Yes. The Holiday Inn will not have any frontage along 17K. There would have to be an easement in order for them to put that sign there and to maintain it.

Mr. Hughes: And you didn't include the reciprocity easement in this request here? Doesn't that have to go before Zoning Dave?

Mr. Donovan: The reciprocity for what?

Mr. Hughes: For the sign being on the other guy's property and a way to get in and out of it. We've had them come here before that's why I ask.

Mr. Donovan: A variance from what...there would need to be...

Mr. Hughes: When they did Target, the sign was on the banks property and the restaurant was on another property, they had a whole zoo going on there.

Mr. Donovan: I don't think that we...unless they need a variance for the size of the sign that wouldn't come to us to put it on someone else's property. They'd need...

Mr. Hughes: O.K.

Mr. Donovan: ...whatever approval from the Building Department and whatever permission from the property owner.

Mr. Cordisco: And you could impose as a condition of any approval that we provide the easement showing that we have the right to put the sign, the Holiday Inn sign on the Quality Inn site.

Mr. Hughes: I think that's more legal and planning than us.

Mr. Cordisco: Understood. But I just make sure, you know, so that the Town is aware that the rights are actually there when everything gets typed up.

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

Mr. Kelson: My name is Todd Kelson, Town of Newburgh. I don't know where to begin. I find myself in the surprising position of first of all agreeing 100% with Mr. Hughes.

Mr. Hughes: Oh, careful.

Mr. Kelson: Because my math is terrible also that's why I brought a calculator over there. The first thing I noticed, I looked at the variances that they, the sign, we're talking about signs now to begin with. The sign variance, they need 132-feet and I did a quick down and dirty 132 divided by the 29 that's a 455% variance and I don't know what...how that could not be considered substantial. I think that's a very substantial variance. I'm very concerned about, you know, the change in the character of the neighborhood actually a couple of the things. An assertion was made that the property is going to remain in common ownership. It's nice to say that but this Board has no guarantee and will get no guarantee from anybody that that will take place. There's references to cross-easements and I'm sure there will be financing in this project and we always fall back to what we know and, you know, a project that failed ends up with a foreclosure, an easement gets cut off and then where do we stand? Conceivably the project could end up with inadequate parking unless appropriate arrangements are made and I'm not sure how that even be done. I can't imagine a lender agreeing to an arrangement like that. Traffic, the site is going to access on Route 17K on property that is not owned by the applicant. Everybody has seen the condition of that road. I don't know whether that road is maintained by anybody. It looks like it's certainly not right now. That right of way is going to be overburdened and curious whether anybody has talked to the D.O.T. about the effect of the traffic from that. That light is already difficult. I sometimes use that light and I find coming from there it's going to be quite difficult. One of the things that was mentioned about parking was an area that's being banked. There's trees there and that's being used as a reserve area for parking and that's all very nice but one of the concerns in the area is a steep, there's a very steep slope and you may say this belongs at the Planning Board but it doesn't because it impacts. It's an issue that impacts adjoining property and that is where is the water going to go? Right now the area or the bulk of it...correct me if I'm mistaken but a large portion of the area that's being discussed is currently not improved or minimally improved. There's going to be a lot of impervious surfaces placed on there. I saw on plan some...some drainage structures but my concern is that there's no question that if that parking, if that reserve parking is used there's going to very adverse impact. And you know water flows down and there's a very steep grade from this property down to Route 300 and that water is going to have to go somewhere and where is it going to go? It's going to go across the highway and onto the adjoining properties. So I think that it cannot be said that this...the granting of these variances will not have an adverse impact on environmental conditions. I think it will be quite serious. There are references, going back to signs; there are references to the requirements of the Holiday Inn, corporate requirements. The applicant stated that this is Quality Inn the current hotel

that he has it is now a Knight's Inn. What I was going to reference and correct me if I'm wrong but in the course of maybe five years I think four sets of different signs have appeared on that building. So right now they're telling you that there is going to be a Holiday Inn there and those are the requirements of the Holiday Inn. I don't think any guarantees are being offered to anybody that the Holiday Inn is what's going to be actually located there or that the requirements of a different franchise will be different. I'm of course also concerned about the status of the existing signs. Mr. Canfield knows because he's been before this Board and he's pointed out issues where he finds an illegal use and if any of these signs are not Permitted the applicant in any given case has been criticized and I know I've been by this Board so I would urge this Board to look very carefully at the existing signs before granting any relief's. O.K. Those are the comments that I have right now. Thank you.

Mr. McKelvey: Well drainage would not be this Board's. That would be the Planning Board.

Mr. Kelson: Well I would respectfully disagree that if the Board granted the variance O.K....

Mr. McKelvey: They have to go back before the Planning Board.

Mr. Kelson: Yes, they do have to go back to the Planning Board but this Board has to take a look and determine whether the granting of a variance will have a environmental impact on the neighbors and that is within the purview of this Board. That's what the statute says this Board is supposed to do.

Mr. Cordisco: If I could address that particular point? If it pleases the Board? In regards to the stormwater requirements, we have designed the plans to accommodate both the State and the Town's requirements including the shadowed parking area. So even though we intend on leaving those trees we haven't failed to include it in plans to accommodate stormwaters from those areas. The State and Town requirements require us to design our system so that there is no net increase in the amount of stormwater that is flowing off of this particular site and we will meet those requirements. In terms of determining an adverse effect on the neighborhood as a result of these variances, the variance request is in regards to the signage and on that particular point I'd like to address something Mr. Kelson mentioned earlier we're not suggesting to you that this is not a substantial request. We know it's a substantial request but substantiality on its own is not a factor that you can use to deny a variance. I'm sure your counsel knows that as well and there are plenty of cases that say that you can look at the percentage but the percentage itself shouldn't scare you and drive your decision. We know that this is a significant request. And to be honest, we could build a hotel actually out at this site and we could tweak it just a little bit and make it a little bit smaller so we didn't have a side yard variance and we could put no signs on it and we wouldn't need to be before at this Board at all. But we are before you because we have requirements. We do want to put in a Holiday Inn at this location and put signs on it so that people know that its there.

Mr. Kelson: Well respectfully and actually that brings me to a point that I should have mentioned and that is one of the issues is can they achieve their result any other way and the answer is I'm sure they can and have chosen not to do so. O.K. They certainly do not have to build a hotel the way that they've designed it and I'm not sure why...why they weren't able to do that. A variance of 7-feet, they could...they could design this a different way. They've elected not to do so and they own the whole property so they cannot come to you and say, we couldn't find anything else we couldn't find the area. They draw this drawing however they wish to draw it. They've chosen to do it this way so to say they have a practical need is disingenuous they control the site.

Mr. Hughes: Got nothing else.

Chairperson Cardone: Do we have any other comments or questions?

Mr. Donovan: Well, let me ask this question. Does the Board have any interest in having Code Compliance doing any research relative to the issuance of whatever signs may or may not have been there so we know what Permits may or may not have been granted?

Mr. Hughes: I always feel more comfortable having some homework that was done before and how we got to where we are today but that's just my opinion.

Mr. Donovan: And I bring that up only because that's what we did in the most recent one that was before us so we could identify what had been granted, what not had been granted and then the Board determined to set a limit so in that instance every time a tenant was coming in or out they wouldn't come back to this Board except with the...kind of the admonition if you do come back to this Board don't expect to get any more slack so to speak. I mean that's one issue I just put out there whether or not the Board would like to see a copy of that map since we're asking to issue a side yard variance. We don't have a copy of that and then also kind of a...if we could have a calculation of the...for each lot the total what would be permitted just in terms of the road frontage, what's there now and what is the total being requested so we...everyone has a clear explanation, a clear understanding about what is being requested.

Mr. Cordisco: I think those are all excellent suggestions and if I may what I'd like to suggest is that we will resubmit the plans. We will take...we will include a total amount for the signage so that its clear that what's going to be there at the end of the day. We are going to take off on the plans the billboard so you have that eliminated and that will be shown as an elimination on the plans. We'll provide you with the side yard setback plan as well so that you can see that and in the meantime perhaps we can do some research. We know that these are long standing signs at that location. I don't know what the research is going to show but at least at that point it could perhaps provide some...

Mr. Donovan: It may show nothing but at lease we've done our due diligence.

Mr. Cordisco: It might but at least...that's correct and on that...on towards that end where I was going with this is is that I think it would be appropriate to leave the Public Hearing

open for next month so you can have that...have the comment on it and have public comment on those revised plans as well.

Mr. McKelvey: I'll make a motion we leave the hearing open until next month.

Chairperson Cardone: Just one moment.

Mr. Kelson: If I may, just one, since Mr. Donovan made some very good points. I think, I would also, I think the members of the public and the Board would also be interested in seeing they've stated that they've reviewed the stormwater requirements with the D.O.T. and I imagine traffic requirements such as the site distances with the signs and it would be interesting to see whether or not...you know, what the outcome is, what the correspondence is and what the D.O.T. has told them on that 300 being a State Highway.

Mr. Hughes: I'd like to add to that the applicant's professionals keep insisting that this is corporate Holiday Inn and all of that. That necessarily doesn't fly, you know, and if Holiday Inn is going to hold that corporate point they may lose out in the opportunity to have a good spot to have their place. Now I'll refer you to the Hess Station in Wappingers, in Fishkill right here, they insisted that they were going to do the corporate thing and they weren't allowed to do it. This is up to home rule, this is our Town and if there is a significant change or something substantial that is going to impact the neighborhood that's why you're here. There is something illegal going on here or you wouldn't be coming through that door.

Mr. Donovan: Well...

Mr. Hughes: So, well, if I could...

Mr. Donovan: You certainly may I'll (inaudible) myself.

Mr. Hughes: ...when you get your notion of what you think you're going to ask for you are going to live with that and you're not going to change it two months from now or three months from now because we've had this thing go on before.

Mr. Cordisco: I understand it and to be fair I didn't provide all the back-story. We actually...the last time that we were before the Planning Board was many months ago and the interim time period was working with Holiday Inn corporate to minimize their requirements for this...for this site.

Mr. Hughes: They know what they're doing. This isn't their first dance.

Mr. Cordisco: And you should also understand that they originally wanted more signage for this particular site and we had to go to them and tell them that the Town's restrictions are based on the amount of frontage and in this case we actually have only 58 feet of frontage so we are very limited and we understand we are asking a substantial variance. Now we are proposing a Holiday Inn. Those are the current plans. Now whether or not

it's a Holiday Inn at the end of the day I don't have a crystal ball. I can tell you, whatever variance if this Board is inclined to grant one whoever, you know, ends up at that particular location is going to have to live with.

Mr. Hughes: That's exactly right. It'll be conditioned and you'll get the shot at it. And that's why we're looking for the homework. If we find out that there was a restriction put on the signs the last time they were put up we can't further that. This is all the same Municipality. And we have found records. Jerry has an unbelievable amount of records and we've made decisions based on him finding the file and knowing how we got to this point so Holiday Inn knows what they are doing. Remind them that we know what we're doing as well.

Mr. Maher: Do you have some type of communication from Holiday Inn with their requirements?

Mr. Cordisco: Well we don't have...

Mr. Copolla: I mean, we...there was a specific sign consultant at Holiday Inn that we worked with after the last Planning Board meeting. This goes back, like Dominic said, last summer and we...he...we didn't...we had two conference call meetings with him and as Dominic said these are the...the...the signage, the corporate signage that they've proposed to us. We reduced that quite a bit. Some things they wouldn't change like combining two hotels on one sign except now we want...we need separate signage on the 17K side so I mean I think what we've shown here is realistic and to identify the hotel on the top of the hill from two sites...or two sides.

Ms. Drake: Do you have anything that shows what they originally wanted so we know how much you've already reduced it?

Mr. Copolla: Well, yeah, I mean this other one you could see that the photo of this other one from a...Kingston is enormous. And we're not proposing a sign that that's big at all. This one is over 20-feet tall.

Mr. Dates: I didn't even want to show you this photo only for style not for size.

Mr. McKelvey: She is looking for how many square feet you've reduced it.

Ms. Drake: Right.

Mr. Copolla: Yeah, I mean, we've probably reduced it over 50...I'm guessing but 50% of that...

Ms. Drake: When you resubmit the plans maybe you can let us know how much you had already reduced it?

Mr. Copolla: Sure.

Mr. Cordisco: Yes, sure.

Ms. Drake: Thank you.

Mr. McKelvey: All right now I'll make a motion we hold the Hearing over till next month. Which... what's the date?

Ms. Gennarelli: That would be May 27th.

Mr. McKelvey: May 27th.

Ms. Drake: I'll second that motion.

Mr. McKelvey: And just to let the public know that there will be no re-noticing to the public.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Ruth Eaton: Yes

Ronald Hughes: Yes

Michael Maher: Yes

James Manley: Yes

Grace Cardone: Yes

Chairperson Cardone: Thank you.

Mr. Cordisco: Thank you all very much. See you next month.

(Time Noted – 9:15 PM)