

ZBA MEETING – MAY 27, 2010 (Time Noted – 8:06 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: Our next applicant Nowab Hotels Corporation.

Mr. Cordisco: Good evening everyone.

Chairperson Cardone: Just state your name for the record.

Mr. Cordisco: I'm Dominick Cordisco from Drake, Loeb on behalf of Nowab Hotels Corp. We were...

Ms. Gennarelli: Excuse me; you will have to get closer (to the mic).

Mr. Cordisco: I have to get closer. I'm afraid you probably will have to keep reminding me of that. It seems that I need remedial education on this. I apologize. We were here last month and we continued the Public Hearing so that the a... we could have an opportunity to revise the plans. We resubmitted revised plans and we also included the side yard set plan, which was inadvertently left off, from our original submission. And without any further ado I would like to turn it over to Mr. Coppola so he can go over the changes to the signage plans and then we can address the side yard setback plan. So I'm going to hand the microphone to him.

Mr. Coppola: Thank you Dominick. Real briefly I'll go over what's been revised since last month. We have three, three basic items here; the signage on Sign 1 shows the signage plan on the five-acre Holiday Inn parcel. Sign 2 shows the signage, the comprehensive signage plan on the Quality Inn parcel and then we have some existing corporate signage that we'd like to go over too. So, on the five-acre Holiday Inn parcel all of the existing calculations from last month were basically the same. So there's no change to that. I guess what we are proposing there is the total signage area is a...442 that basically is a...442 that's what being proposed that's includes what's new and what's being removed. We are only allowed 29 sq. ft., again because we have this tiny little frontage here so that leaves us a variance request for this parcel of 413 sq. ft. and then again I can go over all those signs again but it's the same as we presented last month. On the Sign 2 sheet, the comprehensive signage plan for the Quality Inn, the big change that we made was deducting that existing billboard so there is the existing billboard that faces the Thruway, that's coming down. So our total proposed signage here is now 1022. That includes the subtraction of the 1184 sq. ft. billboard sign. Our proposed is 1022 based on the frontage on 17K we are allowed 210 and that leaves us a variance request of 811. So that the existing pylon sign on 17K which is going to remain, our new business sign for Holiday Inn and then a...a relocation of the other sign. So, so that's what's been changed

and what we...what the Board also asked us to look at was more...a...give some more background on what the corporate Holiday Inn signage requires and what they looked at and we've also submitted actually a whole range of...a broader range of signage that we had originally looked at with the corporate signage people at Holiday Inn. And they show amongst other things, giant pylon signs, which I think were originally considered for this site and substantial monument signs, which we are not proposing, and we have shown basically that of the two smaller signs here which are actually part of our proposed signage plan. So, this kind of gives you an overview of what...what they looked for and the small signs are basically what they feel...what we feel in discussions with them are appropriate for this site in Newburgh. It'll just give you some sense of what we talked about with them. I think that's all...all I have to say. Here's Justin, from Maser engineers.

Mr. Dates: Good evening, my name is Justin Dates with Maser Consulting, the project engineers. I just want to present the side yard setback variance that we're requesting. You have a copy of our layout and dimension plan basically the site is going to be subdivided into two commercial lots. The orange line here, which I've sketched on, shows the division between the two lots. The proposed Lot #1 will house the existing hotel facility and then proposed Lot #2 will be for the Holiday Inn. The side yard variance that we're looking for is right in this area. The required side yard for the IB zone here is 50-feet, we have 42.3 so we looking for a variance of 7.7 ft roughly. And its basically just clips the corner of the existing hotel building in that area.

Ms. Drake: You meet the side yard everywhere else for both of the buildings, everywhere else but that one spot?

Mr. Dates: Correct. All the other bulk requirements for each lot are met. This is the only exception.

Ms. Drake: O.K. Your new signage plan includes all the existing signs that are there, putting it all into one package?

Mr. Cordisco: Correct.

Ms. Drake: There's no other variances for any other signs previously?

Mr. Cordisco: Correct. We wanted to make it clear, you know, in light of the conversation last time that we're calculating with the existing signage and the new signage and the total request rather than just what's being proposed.

Ms. Drake: O.K. I just wanted to make that clear.

Mr. Cordisco: Yes. And we did reduce the overall request by over 1100 sq. ft. by the removal of the billboard.

Mr. Manley: I still have a little concern with respect to the signage in that you're requesting 442 sq. ft. of signage for the Holiday Inn property, am I correct?

Mr. Coppola: Yes, that's the new, the new net. That's correct.

Mr. Manley: For the Holiday Inn?

Mr. Coppola: For the five-acre Holiday Inn property.

Mr. Manley: And the other property you're requesting 1022 which is double that of the Holiday Inn for the Quality Inn. Now I understand that you did get rid of that one large billboard...

Mr. Cordisco: I think AJ could walk you through that but that's largely existing signage. The only new signage that's proposed for the Quality Inn lot would be the 25-ft., sq. ft. Holiday Inn sign. This small one down here, the business sign there. That's the only new signage that would be on that lot.

Mr. Coppola: That existing pylon sign on 17K is 940 sq. ft. so that's, you know, 80 or 90% of our total.

Mr. Manley: Now I noticed that the one sign, the large sign that says Quality Inn and then Doolittle's Restaurant under it, there is an area that says future signage and existing marquees sign to remain. Is that future signage calculated in your calculation, or no?

Mr. Coppola: Yeah, cause if you notice the...it's a...400...470 sq. ft. each side. That includes basically the top rectangle and these three rectangles here, for each side times two.

Ms. Drake: You're saying there's three signs below that? They're allowed three spots like where the Doolittle's sign is?

Mr. Coppola: Correct.

Ms. Drake: Why would you need a total of three there? What other...why could there be...there's the restaurant and the hotel? What else?

Mr. Cordisco: He's showing what's existing there right now and there's three slots there for signage.

Ms. Drake: But you could reduce the variance requested by eliminating some of those spots.

Mr. Cordisco: We could. We could. We didn't want to, you know, suggest that we're not counting it because its available slots right now because physically they're on that sign. And to reiterate though as well, the existing right now the Doolittle's Restaurant sign is a separate sign that we're proposing to move on to...on to that pylon sign. So we are eliminating one other freestanding sign that's currently there now.

Mr. Manley: Is that about 10 x 6, each of those two areas? I don't see the dimensions on it.

Mr. Coppola: Yes. 10-feet wide.

Mr. Manley: By about how many feet high?

Mr. Coppola: No, I think that's not scaled there but I think that's correct about 5 or 6 feet high.

Mr. Manley: So we'd be looking at 120 sq. ft. for each. So you can eliminate 240 sq. ft. from your signage calculation if you were to eliminate those as signs and just use them for the purposes of the sign height not putting any advertising on it. Would that be correct?

Mr. Coppola: Yeah, I think maybe we'll get the owner. Asif, I think part of the interest was this existing facility that's there, the Quality Inn the restaurant facility, wasn't there a talk of if you got if there was an opportunity to put another business inside that building?

Mr. Javid: Yes (Inaudible)

Ms. Gennarelli: Excuse me. I'm sorry; you're going to have to use the microphone we're recording. Thank you.

Mr. Javid: My name is Asif Javid I was here last time. I am the owner of the property. The existing building has 120-room Quality Inn and the restaurant. Once we get the Holiday Inn approved the restaurant building is separate. It does not connect to the building with the existing hotel business, I mean building. So what we have proposed to the Planning Board to that once we get this project up from the ground that restaurant will be closed and we will convert it to some sort of office space or possibly a retail business because we can't compete with ourselves right next door to each other. So that's...that's going to go away.

Mr. McKelvey: Are they going to need signage if you put an office there?

Ms. Drake: Which is why they want to leave those three slots on that sign.

Mr. Cordisco: That's correct.

Mr. McKelvey: Oh, O.K.

Mr. Cordisco: And this is the sign that we're talking about. I'll put this up here so you can see it. This is the existing Quality Inn pylon sign. This is the separate Doolittle sign that we're talking about removing and moving over here but you can see that there's additional space here that we calculated as part of our request to reserve for future signage.

Ms. Drake: Where would the sign for the restaurant at the Holiday Inn go? If there's going to be a restaurant as part of the Holiday Inn will that need its own sign and where would that go?

Mr. Coppola: No, I mean, that you wouldn't...there wouldn't be a separate sign for that that the public sees.

Ms. Drake: So you wouldn't have a sign similar to Doolittle's for the Holiday Inn restaurant so we're not going to see you back here again for that sign later?

Mr. Coppola: That's correct.

Ms. Drake: O.K.

Mr. Manley: Now, let's just say in the event that you decide to put an office in there where the restaurant is and you need a sign out there would that not require you to have to go back before the Planning Board?

Mr. Coppola: A...it could...it could, I mean a change use for that space.

Mr. Cordisco: Certainly in effect we would need new site plan approval. We would need new site plan approval.

Mr. Manley: Correct. So wouldn't that be...? I mean, if that were to happen you're going to have to go the Planning Board anyway I would think that at that point based on what you're putting in the Zoning Board then could have the opportunity to take another bite at the apple and say we'll give you this much space for signage. So my thought is remove it out of the calculation now then this way in the future...you may not in the future put...it may stay a hotel and not...you may put additional rooms in there. At that point, you really wouldn't have to do anything, you know, with the signage.

Mr. Cordisco: The answer is yes; we can have two bites at the apple.

Mr. Manley: O.K. Only because we want to give you the variance for what you need and not really not any more than what you need...

Mr. Cordisco: Sure, I understand.

Mr. Manley: ...with regard to relief, I mean, I would feel comfortable giving you the relief you need but not any more than that. I mean that would be fair.

Mr. Cordisco: We understand and we certainly know that we need to come back for site plan approval for any changes in regards to that.

Mr. Hughes: I have some questions about the imaginary line you drew between the two complexes and what you're going to do about snow plowing and maintenance and why if you have in mind to shift to a different use why not give yourself a comfortable room to operate instead of trying to shove ten pounds of stuff in a five pound bag? You can move that building over. You can move parking over. You don't have to chintz on the 50-feet that you're required for the sake of 8-feet. What are you going to plow it with? What are you going to maintain it with? It all adds up into a lemon by not changing that line.

Mr. Cordisco: There will be, you know, parking and maintenance easements that would be required to...

Mr. Hughes: I'm not concerned about the legal part of it. I'm talking about the physical maintenance of it. If you draw that line over there and you've only got a certain amount of footage in there how are you going to get snow equipment and stuff like that? Jerry? The overseeing fire agency what do they say about something like this? To me that's too tight.

Mr. Canfield: Well first thing, Ron, that...that imaginary line...a...is a real thing. This is actually a proposed subdivision. O.K.? If the subdivision was approved by the Planning Board now we're looking at two separate tax parcels...

Mr. Hughes: What about the parking?

Mr. Canfield: ...so that line eventually will become real that brings a question, perhaps to Dave, we're looking at this application looking at the total signage as a whole. In actuality it will become two lots. So in terms of should a variance be granted shouldn't the numbers coincide with the correct lot?

Mr. Cordisco: We did show that.

Mr. Donovan: Yeah I think that's...

Mr. Canfield: O.K.

Mr. Donovan: ...that's why we have the issue of, I forget what lot number it is, that you only have the 29-feet of frontage which...

Mr. Canfield: Right.

Mr. Donovan: ...which obviously we'll use that as our barometer for permitted signage requires the variance with regard to that lot.

Mr. Cordisco: We've shown it as a separate calculation for each lot.

Mr. Donovan: Right.

Mr. Canfield: O.K.

Mr. Donovan: Right.

Mr. Canfield: The other point that I'd like to make is that at the last time the applicant was before the Board the question was brought up how did they get so much signage without coming before this Board? The answer to that question is, and I was just discussing it with Anthony and Justin and Dominic, they were granted credit for frontage on the Thruway. There's an additional 900 to 1000 feet back here and the reason being is that in every case that a commercial occupancy borders, whether it be a State road or a what have you, our Zoning Code does not the signage code 185-14 does not explicitly say you must have access to that road. It just says street frontage so in other cases that has been given credit for the additional linear footage, which of course, would boost in this case the allowable signage four to five hundred square feet just for information. Let me just finish before I forget Dave. Ron, to your question I have reviewed this with respect to Fire Code, the 26-foot driving lane in the rear of the building does meet or exceed the Fire Code.

Mr. Hughes: All right. So now have another question on top of that. If you're planning on making this another building is it going to come down or is it going to be a retrofit or in either event you're going to have a different calculation for your parking per square footage for office spaces adverse to what you have for a hotel or a motel whatever you'd like to call it. Has that been calculated or approached in this conversation with the Planning Board?

Mr. Cordisco: No.

Mr. Hughes: I think I'd like to have a little bit more information about all that as well.

Mr. Canfield: That's beyond my pay grade.

Mr. Cordisco: I can answer the question. It hasn't yet because the plans don't exist at this time because there's no end user.

Mr. Hughes: Retrofit or demolition and rebuild?

Mr. Cordisco: I believe it will be a retrofit but we would have to show that whatever use is going to be taking up that space would meet the parking requirements and all the other requirements for that lot otherwise we would be back here with the condition to perhaps looking for more signage.

Ms. Drake: Would you object to a condition that should that building be demolished that it meet all the setback requirements for the zoning and therefore not need that variance for that side yard that you're asking for now?

Mr. Cordisco: It's difficult to say only because there are no existing plans so I don't know what a future user would want to use that site for so we would be placing a restriction on their ability to come before this Board to make an application. You could always turn it down. But at this point I would have to say no only because I think it's a restriction where we really don't know what the possibilities are.

Mr. Donovan: Can I just go back to the issue of the a...giving credit for the Thruway? Is that taken into consideration in your calculations?

Mr. Cordisco: We did not calculate that, no.

Mr. Coppola: No.

Mr. Cordisco: It reduces our overall variance request.

Ms. Drake: For one lot. The lot that has...

Mr. Donovan: Correct. I guess that's the...reduce to what degree, or eliminate?

(Inaudible)

Mr. Hughes: You didn't include it at all?

Mr. Coppola: We didn't know that we could.

Mr. Hughes: I don't think that you can under current. We just received something about having access.

Mr. Coppola: I mean, this is just going by a visual. This is one third and that's probably two thirds so this is two hundred and...this gives me two hundred and ten square footage so...times three would be six ten we'd probably still be somewhat under.

Mr. Donovan: O.K.

Mr. Cordisco: We would still need a variance.

Mr. Donovan: O.K.

Mr. Cordisco: But it would be lessened if you include that as a credit.

Mr. McKelvey: Dave do we have to wait for them to make calculations for Thruway?

Mr. Donovan: Well, I mean you have the...if you wanted to do that you could. If you wanted to analyze the application in the way its presented which is exclusive of the New York State Thruway and perhaps that may be a direction that we're headed into because we all got a copy of correspondence from Mark Taylor indicating that maybe in a

different context but that the a, you know, a roadway to which you do not access I think he says should not be taken into consideration in any type of review that we make so...

Mr. Cordisco: Was that in connection with this application?

Mr. Donovan: No, it was not.

Mr. McKelvey: No.

Mr. Hughes: Completely generic.

Mr. McKelvey: I just wanted some clarification on that.

Mr. Donovan: Well let me ask the question to the applicant, I mean, I don't know that this Board's...it sounds like Jerry in the past it may have been an ad hoc determination that while you have this frontage here and maybe its advertising so its different than an access you don't need access. I don't know what reason its done but I don't know that this Board has ever...ever tackled that issue and made a determination so...

Mr. Canfield: Just one thing Dave, the Building Department's position has always been the verbiage does not say accessibility. That words are not there. It just says street frontage. I think it would be very beneficial and helpful to the Board or excuse me, the Building Department if this Board did render a decision and...and give your determination on it. Then a precedent would be set and we have something to go by. Does that sound agreeable?

Mr. Donovan: Well, then you have to ask them. I'm agreeable to anything, Jerry but it's not my call.

Mr. Cordisco: I would agree actually with Mr. Canfield it would be helpful. You know, we've showed it as the worst-case scenario without taking credit. I appreciate that Mr. Taylor may have provided some guidance to the Board and as Town Attorney but in all honesty it's this Board that makes interpretations of the Code.

Mr. Donovan: If that's the case then I think it would be helpful to the Board to do an analysis to say well if the frontage along the Thruway was taken into consideration then the total signage allowed would be X square foot meaning that the variance under that scenario was Y square foot so the Board has the ability to analyze it in both contexts.

Mr. Cordisco: I can't give you an exact calculation tonight but it would reduce significantly under that scenario if you count the Thruway it would reduce the overall differential between what we're allowed and what we're asking for.

Mr. Manley: I would almost venture to say that its never been...it may have been in some cases used but I'll give you an example Stop and Shop Plaza, Newburgh Towne Center and the Newburgh Mall. I don't believe Newburgh Mall had to come before this Board

way back in the 80's for a variance with regard to their signage because they only utilized the one...the 300 side.

Ms. Drake: What about for the Marketplace? They had an exit off a ramp 84. Did they include 84?

Mr. Manley: I don't believe so.

Mr. Donovan: Well I'd have to look at the application. I don't want to...because...that was a detailed analysis and...

Mr. Manley: Right.

Mr. Donovan: ...we hired a consultant...

Mr. Manley: Correct.

Mr. Donovan: ...on that as well and I think we'd revisit that. It was pretty detailed findings with regard to that application and whether 84 was taken into consideration I just don't recall.

Mr. Cordisco: It does, however, Mr. Canfield's comments do provide additional background because the question was last month as to why is there the amount of signage on the Quality Inn site that there is when you're only allowed X feet, square feet of signage so assuming that that the Thruway was taken into account that would explain a great deal for why the signage is that size.

Mr. Manley: That creates another question. The entrance from 300, near the Denny's, is that part of the Holiday Inn/Quality Inn property?

Mr. Cordisco: Yes, and that's correct and on the signage plan, if I may?

Mr. Manley: You have a sign there, right?

Mr. Cordisco: We do, but we calculated the amount of signage for the new Holiday Inn based on this limited amount of frontage that we have here so the overall calculation of 442 sq. ft. of signage is based on its taking into account that 29 sq. ft. of what's allowed based on that frontage solely on 300 and we're not seeking to take any credit for anything that's going on over at 17K or the Thruway.

Mr. Coppola: That existing Quality Inn sign is to be removed.

Mr. Hughes: So you own the road only, sir? You own the road, 29-feet down to 300 only?

Mr. Javid: Yes.

Mr. Cordisco: Yes, this is the shape of the lot it tapers down towards 300.

Mr. Hughes: Jerry, when we asked you if you had any record on file about this you found nothing about how we got to this point with the total footage?

Mr. Canfield: There's permits issued for signage. There's nothing that's been before this Board.

Mr. Hughes: O.K. We always like to know how we got to where we got now before you guys start bargaining so we know how it evolved to this and to make sure there were no restrictions set at that point.

Mr. Cordisco: And at least we got the permits.

Mr. Hughes: Yeah.

Mr. Manley: That's a plus.

Mr. Cordisco: Yes.

Mr. Hughes: It's not customary but it's a plus. It happens not too often.

Mr. Cordisco: They do say it's better to ask forgiveness sometimes than permission.

Mr. Hughes: Well, I'll tell you a story after the meeting.

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

Mr. Kelson: Good evening, my name is Todd Kelson. I'm an attorney with offices in New Windsor. I'm listening carefully to what was said tonight. Some issues the applicant has attempted to address and some issues the applicant has not addressed at all based on prior, last months comments from the Board. I guess the first thing we want to...I want to review is the signage issues. I'll just reiterate again and there past discussion about the amount of signage that's being requested and I just again want to reiterate to the Board one of the standards that it must consider in granting the variance is whether the variance is substantial and I put my calculator away again but a variance of 600, or for 413 sq. ft. where 29 is permitted is, I don't know, what is that 700%, 800%? It's a very substantial variance and I think that's something that should be taken very seriously into account. The comments about the sign being...permits being granted for those signs where there's a question as to the counting of the Thruway frontage I would simply point out and I'm sure the representative for the Building Department will concur that if a permit is issued but it turns out that the basis upon which a permit is issued is incorrect the permit can be set aside. And I don't think that the Board should compound an error if in fact an error has been made. It may have been made twenty years ago or more. How old are the signs?

Very old I suppose, correct? Yeah, they're quite old but that doesn't mean that the Board should compound that possible mistake in interpretation. They're asking...I also get the sense that they're possibly asking for an interpretation tonight that's one of the things that was suggested. I don't think that's part of their application. I don't believe they requested an interpretation of that provision and so I don't know that's properly before this Board and I don't know that it should be really part of this Hearing. So that's troublesome as well. With respect to site again they're proposing a subdivision in counting the spaces we discussed this last month as well. There's no guarantees are being offered that the site will remain in common ownership and if the site does not remain in common ownership does the counting of the spaces of the overall site also creates a problem. Finally nothing was discussed this evening about the traffic issues that this...that this proposal presents and I would reiterate the position that I took last month and that was that that would result in a very, very adverse change to the character of the neighborhood as well the very, very substantial sign variance that's being sought. That has not being addressed at all. I would hope that there would be some traffic studies or other evidence tonight addressing that but I don't...I guess I don't see that being offered by the applicant. Finally with respect to the side yard issue I'm not sure what their practical difficulty is. They control the entire site. They can draw the picture. They can draw this building however they wish to draw it. So I do not see that they offered any evidence that they have any sort of practical difficulty that would give rise to grounds to grant that variance at all. That's all I have now. Thank you.

Mr. Cordisco: Actually, perhaps the Board would allow? If Mr. Kelson who identified himself as an attorney it might be helpful if he actually identified who he's representing. I believe I listened carefully both this time and last month and a we didn't hear who he speaking on behalf of.

Mr. Kelson: I'm a resident of the Town of Newburgh.

Mr. Cordisco: And you're not speaking on behalf of a client?

Mr. Kelson: I don't have to disclose whom I'm speaking on behalf of.

Mr. Cordisco: I...I...

Mr. Kelson: I am a resident of the Town of Newburgh and I drive down 300 every day of my life and I can speak to this in any capacity that I wish.

Mr. Cordisco: I think that the Board has to consider that Mr. Kelson might be representing potential competition for this particular applicant and when I was before the Board on a prior application we had a memo that was submitted to the Board that competition is a proper issue for the Board to consider when you're considering an application that's before you. Now he has particular substantive issues, which I'm happy to go through one by one, but I think the Board should weigh that the fact that there is a potential competition issues which are driving these comments. In regards to the substantiality of the variance we're not arguing its substantial. I mean, we can't...we can't

hide the numbers. The numbers are what they are. They're certainly more substantial the way we presented it with a not taking credit on the Comfort...on the Quality Inn lot for Thruway frontage. We're not arguing its not substantial but I'm sure the Board knows and the case law clearly provides that just because a variance request is substantial is not a basis for the Board to deny it. And that reason alone cannot be a basis for the decision. It's something that you have to take into consideration with all the other factors. In regards to the interpretation, we're not requesting an interpretation. We just heard tonight about the letter from Mark Taylor and so if the Board...

Chairperson Cardone: I have to speak on that.

Mr. Donovan: I misspoke. I misspoke.

Chairperson Cardone: There is not a letter from Mark Taylor. There is a letter from the Building Inspector with a quote from Mark Taylor but that's been misrepresented.

Mr. Donovan: And its not about this application but rather about whether or not a corner lot, just because you have two streets you have to have access to one of the streets. I thought perhaps it might be informative but to be clear if I said Mark Taylor wrote a letter, that's not true.

Mr. Cordisco: That's O.K. and if he had that would have been fine as well. We're not requesting an interpretation in fact what we're showing is the worst-case scenario without taking credit for the Thruway frontage. If the Board, in your discretion, wants to apply credit for the Thruway frontage that's within your purview to do or not do as you see fit. In regards to the subdivision, Mr. Dates actually went through and identified, I believe at last month's meeting, why this building of this size fit the Holiday Inn, a full Holiday Inn not a Holiday Inn Express but a full Holiday Inn with the amenities as shown fits on this site and you meet all the other setbacks with the exception of the 7-foot setback that is actually in between the two lots. Now in regards to the subdivision I agree that there...there is not going to be...its currently one lot so it's all owned by Mr. Javid. But it will be subdivided and it will be in separate ownership in the future but in that regards that's we totally expressed last time and as part of the site plan approval would be cross easements for the maintenance of all those shared elements between those two sites. So they could be jointly responsible for it. And in regards to traffic, I believe that that issue is not before this Board, its before the Planning Board and the Planning Board will be revisiting that issue when you return. The question with regards to this Board is primarily in relation to the signage, I believe, because that's the larger of the applications. And I think what ultimately you have to decide is whether or not there is a detrimental impact to the neighborhood in regards to the signage. And I submit to you and I'm sure you're all familiar with that area that the signage that we're actually proposing for the Holiday Inn site is far smaller than any of the other existing signage for any other hotel that's on that area and as a A.J. had showed you we picked the two smallest signs that were available from Holiday Inn corporate and Holiday Inn corporate was pushing for larger signage including one sign that is 275 sq. ft. that they wanted to put up because on a pylon it would be on a pole that you could see it when you're out along the Thruway and 84. We

were sensitive to the fact that we need significant and substantial variances from the Board so we didn't want to overstate our request so we were trying to be sensitive to that. That's all I have.

Chairperson Cardone: Did you have something further? Yes.

Mr. Kelson: If I may be permitted? I mean I'll just...I'll just reiterate a comment that I made last week. Mr. Cordisco has stated again that this Board has no ability to consider traffic issues in deciding whether to grant the variance and I would simply urge that the traffic is an environmental factor especially over there. And there's no, there is absolutely no reason that the Board cannot and should not take that into account in determining whether there will be adverse environmental impact or other impact on the neighborhood in the granting of this variance and no traffic evidence has been introduced, unless I'm mistaken, thus far at all and I think it's a very serious issue. I had recalled last night, last month that there was some...some discussion of...of some comments from the D.O.T. that were going to be offered. I guess they were not offered. But I'm sure the Board would be interested in seeing whether there were traffic concerns based upon the alignment of that driveway, the traffic light that is located at that intersection and how it be...and the impact of the granting of this variances on the traffic of that section of Route 300. The traffic there is already quite serious. The road is overburdened as it sits and to the extent that this, the approval of this application will increase that overburden I think is an issue that is properly before the Zoning Board.

Mr. Cordisco: We submitted the traffic report. It's part of the Planning Board's file. You know we are proposing improvements in connection with that and that I believe is an issue that is squarely before the Planning Board. As far as this Board is concerned our application relates to the signage and the side yard setback and I think that that is an answer enough.

Chairperson Cardone: Do we have any other questions from the public? Do we have anything else from the Board?

Mr. Cordisco: Before you close your Public Hearing I would like to say that we did agree to the elimination of the additional unused space on the Quality Inn site so that will reduce our overall number. I don't have the specific number for you right now but it does reduce the overall number.

Mr. Manley: So if the Board was going to make a motion we could word the motion in such a way to exclude the...was it the three spots? With the exception of the Doolittle sign.

Mr. Coppola: We need one of the three.

Mr. Cordisco: We need one of the three for the Doolittle sign. Correct.

Mr. Manley: So eliminating two out of the three?

Mr. Cordisco: Correct.

Mr. Manley: The two vacant spots.

Mr. Cordisco: Correct.

Mr. Donovan: It would be helpful to know exactly what we're ruling on.

Mr. Manley: Do you have a scale?

Mr. Coppola: I don't think so; let's see if I can do this.

Mr. Donovan: I'm sure the engineer has one because they would never come to a meeting without a scale.

Mr. Coppola: That total sign is 940 sq.ft. existing so those little signs are a...thank you. Those little signs are 50 sq. ft. each. So...

Mr. Manley: That's 100 for the two sided and another hundred is 200.

Mr. Coppola: That's exactly right so it would be 940 is what you have minus 200 would be 740.

Mr. Maher: What's the allowable?

Mr. Coppola: Well the allowable without the Thruway is 210 so our net as we presented it, our variance request as we presented it on the plans is 811.5 so we would subtract 200 from that, would be 611.5.

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

Mr. Maher: Second.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Ronald Hughes: Yes

Michael Maher: Yes

James Manley: Yes

Grace Cardone: Yes

Chairperson Cardone: Thank you.

Mr. Cordisco: Thank you all very much.

Mr. Coppola: Thank you.

(Time Noted – 8:50 PM)

ZBA MEETING – MAY 25, 2010 (Resumption for decision: 10:04 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: On the application of Nowab Hotels Corporation, seeking area variances for the side yard setback and for signage for a subdivision of the lot and to build a hotel. This is a Type II Action under SEQRA. Do we have discussion on this application?

Ms. Drake: I do feel that they did look at the signs, they did agree to take the billboard down but the fact the hotel or the Holiday Inn only has a 29-ft. square foot allowable is really not sufficient signage for any business really or many businesses that I feel that they did try to reduce this as much as possible. I'll make a motion to approve.

Mr. Manley: I'll second with just a...I guess with the numbers. I have 611.5 sq. ft. for the Quality Inn and 413 sq. ft. for the Holiday Inn. That's the amount of the variance requested.

Ms. Drake: For that clarification

Ms. Gennarelli: O.K.? Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Ronald Hughes: Yes

Michael Maher: Yes

James Manley: Yes

Grace Cardone: Yes

Chairperson Cardone: The motion is carried.

PRESENT ARE:

GRACE CARDONE
JOHN MC KELVEY
BRENDA DRAKE
RONALD HUGHES
MICHAEL MAHER
JAMES MANLEY

DAVID A. DONOVAN, ESQ.

ABSENT: RUTH EATON

(Time Noted – 10:05 PM)