

**VILLAGE OF RED HOOK
PLANNING BOARD MEETING
& PUBLIC HEARING
APRIL 12, 2012**

Present: Chairman Everett Pearsall, Co-Chairman Rodney Morrison, Member Paul Fredricks, Member Stephen Zacharzuk, Member Mark Mirando & Secretary Lara Hart

Chairman Pearsall opened the April 12, 2012 Planning Board Public Hearing at 7:00pm.

Chairman Pearsall advised that this Public Hearing is for 23 East Market Street - Charlie O's, and that this Board will hear public comment on its intent to rescind a prior approval for a sign application due to a mistake of fact on the application.

Chairman Pearsall asked if anyone present wanted to speak on this matter. No comments received.

Chairman Pearsall asked the Board if they had any comment to be put on the record. No comments received.

Chairman Pearsall made a motion to keep the public hearing open for 15 minutes. Seconded by Member Morrison. All in favor.

Chairman Pearsall opened the regular scheduled planning board meeting at 7:05pm.

Agenda #1. – Rhinebeck Bank represented by Paul Beichert of Timely Signs.

Paul Beichert from Timely Signs was present to advise this Board that the Rhinebeck Savings Bank had a name change to Rhinebeck Bank, which will be done at 11 existing Hudson Valley branches. Paul said the logo was changed with a new color scheme, with essentially a new look for the main sign located in the front, and building sign in the back and a couple of replacement directional signs.

Chairman Pearsall asked if this would be the same footprint as the existing signs. Mr. Beichert said yes. Chairman Pearsall asked if same dimensions. Mr. Beichert said yes. Mr. Beichert advised that they are using as much as the existing hardware and structure as possible to save in cost. Chairman Pearsall asked if it was the same illumination. Mr. Beichert said yes. Chairman Pearsall asked what we were looking at material wise. Mr. Beichert advised it is a product called "extera" which is a recycled wood composite; that the letters will be dimensional being about ½ inch thick and the back ground panel will be about ¾ of an inch thick, and the signs will be double sided. Chairman Pearsall asked if the directional signs were double sided. Mr. Beichert said he did not think so. Member Zacharzuk said the

plans indicate double sided. Mr. Beichert did correct and indicate that the directional signs are double sided.

Chairman Pearsall asked the Board for comment. No comments received. Chairman Pearsall said he sees no changes except for what is displayed on the sign.

Chairman Pearsall made a motion to approve the sign application as depicted in the application showing same footprint, same dimensions, same placement on property, and materials and illumination as depicted. Motion seconded by Member Fredricks. All in favor.

Chairman Pearsall advised that Mr. Lueck was present for the public hearing. Chairman Pearsall asked Mr. Lueck for his comments. Mr. Lueck said his sign is what it is, and he feels that any signs on the side of the building are to help to show the entrance to his business and not anything he feels that should not be there. He indicated that the lights are dim and does not see any problem. Mr. Lueck asked who had a problem with them, and does not understand why his prior approval is being taken away. Chairman Pearsall explained to Mr. Lueck that this Board is not saying that he cannot do it, but that the issue is that there is a process in doing it. Mr. Lueck said he went through that process. Chairman Pearsall said the prior approval was for one sign. Mr. Lueck said that was all he had. Chairman Pearsall said he saw something that indicated that there were 12 signs. Mr. Lueck said then that would include all the Baright signs. Mr. Lueck said he took down 2 of the big signs. Mr. Lueck feels that the Village should be more business friendly and with all the empty storefronts that the Village should be helping to keep businesses alive. Mr. Lueck would like to know who filed a complaint, if any, and why they are complaining. Mr. Lueck referenced signage at the Xtra Mart and Williams. Chairman Pearsall again said it is not that you can't do it, but the Village's position is that you go through the process, and that at the last meeting it was for one sign. Mr. Lueck said the signage on the front of the building has been there since the 30's.

Chairman Pearsall asked for any other comment. No comments received.

Chairman Pearsall made a motion to close the public hearing for 23 East Market Street at 7:15pm. Motion seconded by Member Fredricks. All in favor.

#2. Agenda – Mitchell Bodian for the Red Hook Soap Factory – 7392 South Broadway.

Mitchell Bodian was present and advised of his intention to use the lawn at the south of the building for vendors to sell the same sort of items that are inside the building, which is art, antiques, crafts and collectibles. Mr. Bodian said the issue at the last meeting was parking and he tried to get an engineer, Mark Graminski, to do a parking plan, but he was unavailable, so CEO Harkins and himself measured the lot. Chairman Pearsall read memo from CEO Harkins indicating that he has measured the lot and that there are 26 regular parking spaces available plus one van accessible handicap parking space. Chairman Pearsall asked Mr. Bodian how much square footage was inside the building or how many parking spaces were required for the indoor retail space. Mr. Bodian asked if he meant footprint. Chairman Pearsall said he has just over 5400 sq. ft. Mr. Bodian said 8000 sq. ft. which includes the basement.

Chairman Pearsall asked how much of interior space is being used now. Mr. Bodian said it depends on the definition of that because when you think of selling something that 2000-2200 on either wing is not technically retail because one is an acupuncturist and one person works in the office, and the south wing of the building in Rhinebeck Rentals, which is only a showroom and not retail. Mr. Bodian indicated that the one actually being used for retail is the Emporium, which is part of the old paint store, which is about 3500 sq. ft., and the basement is not being rented. Chairman Pearsall said then 3500 sq. ft. is retail. Mr. Bodian said yes. Chairman Pearsall advised then based on 3500 sq. ft. indoor retail space you will need 23 parking spaces – being one space for every 150 sq. ft. of retail space. Chairman Pearsall asked how many employees were in the Emporium. Mr. Bodian said 1 employee who manages the entire operation. Chairman Pearsall asked how many people are working in the acupuncture office. Mr. Bodian advised she is alone, but may have an officer manager from time to time. Mr. Bodian advised that Rhinebeck Rental is only a showroom with 1 employee and their custom is not to be open on Saturday and Sunday, so they are possibly looking at this 1 employee at the Emporium to manage their showroom too. Mr. Bodian also wanted to make a point about the 26 number and that once Mr. Graminski looks at the lot that hopefully Mr. Graminski and CEO Harkins can reach an agreement as to the number of parking spaces, because he feels that there are many different ways to lay out parking spaces. Mr. Bodian feels that 26 was substantially less than he would come up with. Chairman Pearsall advised that at this point based on what we need for the inside retail, given the numbers we were given, we are at maximum capacity, so he feels this Board would refer to the zoning for a variance. Member Fredricks feels that if CEO Harkins and Mr. Graminski meet, that this Board can give some latitude. Member Fredricks advised that Village Code is based on square footage. CEO Harkins advised that the planning board could also apply the 50% rule, which basically doubles the number of parking. CEO Harkins did put in his memo Section 200-33-4-b, but cannot below the total needed for one of the businesses but can use some of that parking for the 50% for the other business for shared parking, and it is at the Board's discretion and can be pulled at any given time. Chairman Pearsall asked CEO Harkins that if we have 26 parking spots that are needed for the indoor retail we can allot 13, under the 50% rule. CEO Harkins said you will have to count the handicap which makes it 27 – so if the total for one of the businesses is not over 27, you can use joint parking, but at the PB discretion. Mr. Bodian asked if that meant 54 or 27 plus 50% of 27. CEO Harkins said that one business can't require over 27, but you can give 50% to one and 50% to the other - CEO Harkins referenced this Section in the Zoning Code. Co-Chairman Morrison indicated that once Mr. Bodian speaks with CEO Harkins and Mr. Graminski and they create a layout of the parking, this Board will know where we stand respect to the use that the applicant wants and where we can go. Mr. Bodian asked that since the board meets once a month, and because of last minutes requirement for public hearing on the food cart and the food cart not being on the premises, so getting approval for outdoor vendors in September would not be useful. Co-Chairman Morrison advised that he would need to get the numbers, and if he can come up with more spaces, that would only help his cause. Mr. Bodian asked if the Board can come to an agreement this evening, and once Mr. Graminski and CEO Harkins come to an agreement at the next meeting we can use their number. Chairman Pearsall advised that we would need all 26 for indoor retail right now, but he would be willing to consider another 13 spots under the 50% rule for outdoor retail. Member Fredricks asked if it would be only be 13. CEO Harkins said you can't physically double the number of spots, and there

are 27 spots so instead of the indoor retail requiring 26 of them, you can basically say that the indoor retail only requires 13 of them, so 13 would be allocated to the other business on the property. CEO Harkins said but you do have to consider the spaces that would have to go to the other businesses - acupuncture office and Rhinebeck Rentals. CEO Harkins said you can never physically have more than what is there, but you can allocate it at a 50% rule for more than one business on the property. Chairman Pearsall said he agrees. Mr. Bodian asked if they can omit vendors who are already inside the building to put merchandise on the lawn. Chairman Pearsall said yes and no. Chairman Pearsall advised applicant they he will need a parking space for every 150 sq. ft. of indoor retail space, and you also need one parking space for every 2 employees - so if you have indoor vendors come and work the outdoor thing then this goes back to employees and you will need one space for every 2 of them. Mr. Bodian said they are not employees. Chairman Pearsall advised if they are doing business on the property they are employees. Mr. Bodian disagrees. CEO Harkins said the zoning law considers them employees. Chairman Pearsall said the formula was based on one guy managing the entire indoor thing, so he did not take the place into account trying to minimize the number of parking spaces that would be needed. Chairman Pearsall advised that he would consider allocating 13 more spots under the 50% rule for the outdoor event. Member Fredricks asked how many more people is that allowing. Chairman Pearsall said 13 vendors. CEO Harkins said 26 vendors, because it is one for every 2. Chairman Pearsall said if a vendor brings a truck then each one of those is one parking spot. Mr. Bodian felt that 13 was fine. Chairman Pearsall asked the Board for their opinion on allowing 13 vendors under the 50% rule. Chairman Pearsall said there is no requirement in the Zoning Code to allow for customer parking for outside retail. Board members were all ok with 13. Chairman Pearsall does not feel that the customers for outdoor retail will be an issue because there are so many parking spots allocated to the 150 sq. ft. of retail inside. CEO Harkins made a suggestion that should the Board approve the 13 & 13 spots coming in at 27 - put a condition in that should CEO Harkins and Mark Graminski measure and find more - that they are allowed more - say 30. Chairman Pearsall said that will be fine - the Board will stipulation a 50% of total parking found on site to be allocated towards vendors. Mr. Bodian brought to the board attention the new store Rhinebeck Rentals and that they may like to have items outdoors, not for sale, and asked if this a separate issue. Chairman Pearsall advised that a display becomes in fact a sign. CEO Harkins, said yes, it depends on what is being stored. Mr. Bodian advised nothing would be stored, but they may have a small tent nearby which would serve for the food card and something for Rhinebeck Rentals as promotional item. Chairman Pearsall felt at this point, if he has outdoor retail, there is no difference and whatever the vendors are he will be approved for outdoor vendors. Member Fredricks said Rhinebeck Rentals would be a vendor. Mr. Bodian said correct, but not selling anything.

Chairman Pearsall asked Mr. Bodian for exact hours and days for operation. Mr. Bodian advised May 1st through October 31st, weekends only, between the hours of 9am-6pm.

CEO Harkins did advise of the current sign for Rhinebeck Rentals at this location and that said sign must be taken down, and that this be a condition with approval because technically this is a violation on the property. Mr. Bodian said he has asked them to take the sign down.

Chairman Pearsall made a motion to approve the application of the Red Hook Soap Factory at 7392 South Broadway, for 13 exterior retail vendors to be operated between May 1 – October 31 on weekends between the hours of 9:00am-6:00pm with the condition that the applicant remedies the unlawful sign condition out front and a further condition that upon review of the CEO and applicant's engineer, that if more parking is found on site, that the applicant approved for vendors not to exceed 50% of the total parking, and that the applicant, upon review by the engineer, submit a drawing of the site showing vendors and parking. Motion seconded by Member Zacharzuk. All in favor.

#3. – Agenda – Louise Rose - 7475 South Broadway

Louise Rose was present and advised that after the last planning board meeting parking was an issue with her application and since then she has spoken with Ken Giek at KDK who owns the Firehouse Plaza and he is willing to allow customer and vendor parking there and she would have 3 less vendors so the space would be smaller than previously submitted. Chairman Pearsall asked Louise if she had anything new to submit to the Board. Louise gave the Board a copy of her letter dated April 12, 2012. Louise advised that in Firehouse Plaza there are 59 spaces and the marker is using about 12 or so, which actually when you minus that, gives us a plus of 47 spaces for parking. Louise is still discussing with Key Bank whether they will permit the use of their parking space. Chairman Pearsall asked if the intent is still to have the farmer's market in the municipal lot. Louise said correct. Chairman Pearsall asked if she would allocate parking somewhere else. Louise said that temporary signage that would show the location for customer farmer's market parking. Chairman Pearsall asked CEO Harkins that since businesses have been approved on the condition that this parking be available, does that make a difference if other parking is available in the same proximity, or does it have to remain open. CEO Harkins advised that the since the parking is within 400 ft. of most of the businesses that were approved using that parking space that you could shift it over, but would require signage indicating public parking, not just customer parking. Chairman Pearsall asked if they need a legal agreement from the Village and Firehouse Plaza. CEO Harkins advised that the Village would need a letter from Firehouse Plaza for allowing municipal parking during the market times. CEO Harkins advised that the handicap parking spaces currently be kept open, which is specific in the ADA. Member Fredricks said his only concern is that we as a Board cannot approve this and that they would maybe have to go to the ZBA for use of the lot for parking because we cannot change the law, but they can. Member Fredricks advised that the ZBA are whom you go to appeal the use. Member Zacharzuk asked if the lot across the street is big enough for parking with the businesses there. Member Fredricks believes on the weekend there would be, because most of the businesses over there are not open on the weekends. Member Zacharzuk said Credit Union and hairdresser are open. Chairman Morrison asked if he was saying that the lot is not zoned properly. Member Fredricks said no, this lot is municipal, and this lot is approved parking for the businesses on West Market Street, and now it will be taken away, and he does not feel that this Board is the board that can permit it to be taken away. Member Fredricks said according to our code there is not enough parking. Chairman Pearsall asked the Mayor (Mayor Blundell being present) if the Village lease with Key Bank allows us to use this lot for anything other than parking. Mayor said the Village has been in touch with Key Bank and they are in the process of having an agreement signed, to use this land

for other purposes. Member Fredricks said the question is not that the lot will be used for a farmer's market but will be used for parking. CEO Harkins referenced Section 200-33-A-2 in the Zoning Code for Off-Site Parking. Chairman Pearsall reads aloud this Section. CEO Harkins advised that his comment was that this parking lot was totally used for the businesses at the four corners and they don't want to consider legally, if they can move this requirement from this side to the other side, then that cannot be encroached on at all. If the Board feels that they can move this parking from side to the Firehouse Plaza side than that is their interpretation. Chairman Pearsall asked Rose if she looked into the feasibility of having the market across the street. Rose said no. Rose said being visible for a farmer's market is everything and that we would be encroaching on certain businesses over there. Member Zacharzuk said with it being across the street you would have constant traffic with the bank business. Chairman Pearsall asked the board for their feeling. Member Fredricks said this is a change in use and would need to be addressed by the ZBA. Co-Chairman Morrison feels that with the agreement across the street to provide for parking, he sees no problem, but hears Member Fredricks point, but feels it is ok so long as an agreement is in place. Member Zacharzuk questions parking across the street due to businesses that are already in operation. Chairman Pearsall does not see parking across the street being an issue. Rose advised that they may also get permission to use Key Banks lot directly behind the bank. Chairman Pearsall said we will need to have signed agreement from KDK for approval to use their lot at Firehouse Plaza. Chairman Pearsall said this Board will need a copy of the Key Bank Lease with the Village. Rose asked if she can get approval in writing what would be the next step. Chairman Pearsall asked Rose if we were having a farmer's market on Saturday morning what time would she plan on closing the municipal lot. Rose advised that would be up to the Mayor, but would think 7:00am. Chairman Pearsall asked if there was a car parked there what would her plan be, would they tow it. Rose said no towing and that the market would set up around it, but that signs would be posted prior saying "no parking". Mayor Blundell advised that he thought about this parking issue and the Village staff would not require parking, Chinese restaurant would move parking down some space, and the Village has signs that would be posted prior to event for "no parking", and put notices on vehicles. This is done for Hardscrabble Day and other events. Chairman Pearsall said he understands, but what in the event of a vehicle being parked there. Rose said they would work around it. Member Zacharzuk asked if there was a conflict with any other events taking place. Rose said no. Member Fredricks said Hardscrabble and Apple Blossom are community events, and this is different. Rose said this would be a community event. Member Fredricks said no this is a business. Chairman Pearsall agreed with this being a business.

Chairman Pearsall asked the Board for any other comment. Chairman Pearsall advised that this Board will not move forward until which time this Board has a written agreement from KDK. Member Fredricks asked that the letters from Todd Baright and Ken Migliorelli be read tonight. Chairman Pearsall advised that public hearing should be set. Chairman Pearsall spoke on the handicap parking spot and not moving these spots. Rose said the only option would be to move the market to other side of the lot. Chairman Pearsall saw no problem with that, but would need a new sketch of the lot. CEO Harkins just asked that any signage for the market be submitted for approval. Chairman Pearsall read aloud letter from Ken Migliorelli, dated March 29, 2012, and letter from Todd Baright dated March 23, 2012 (copies on file in building department).

Rose asked if she could address these letters. Rose advised that certain businesses do not need another farmer's market, they are successful, so that is why they were not invited into this market, and quoted Ken Migliorelli in saying "competition is good". Rose said bringing more people to this area is a plus. Rose advised that 2 local farm stands are being included in this market. Rose said there was insurance.

Chairman Pearsall advised that he will set a public hearing and table this for next meeting which will be held on May 10, 2012 at 7:00pm.

Chairman Pearsall made a motion to set a public hearing for May 10, 2012 at 7:00pm. Motion seconded by Member Zacharzuk. All in favor.

Mayor Blundell asked why the Board felt the need for a public hearing. Chairman Pearsall advised to hear comments and concerns from the public on this application because it is at the Board's discretion.

Member Fredricks said we need something from Key Bank approving this proposed market. Member Fredricks said the lease with the Village is month to month. Chairman Pearsall asked the Mayor if this was true. Mayor Blundell advised this was a long term lease that can be broken to require the 30-days. Member Fredricks said than this is not a long term lease.

Chairman Pearsall made a motion to table this application to May 10, 2012. Motion seconded by Member Zacharzuk. All in favor.

Chairman Pearsall brought Michael Lueck back to the table on the Public Hearing is for 23 East Market Street - Charlie O's. Chairman Pearsall updated on previous contact with Village counsel, Victoria Polidoro, and upon consideration of the Building Department and Village Counsel that the approval fore the sign application granted on February 9, 2012 be rescinded due to a mistake in fact on the application and that the applicant submit a new application. Public comments have been heard from the application and Chairman Pearsall asked for any further comments from the Board. No comments received. Mr. Lueck asked if approval for other businesses will be taken away too. Chairman Pearsall advised that the ZEO gives compliance notices and he cannot speak on other businesses and addresses what is now in front of him. Mr. Lueck said he knows of other people who are over signage and if he brings them up will this Board hear about them too. Chairman Pearsall said if he wishes he will need to bring non-compliance to the building inspector. Chairman Pearsall said this is not a matter of picking on you, we are all customers, but a matter of procedure. Mrs. Lueck spoke on the current number of empty business storefronts and that Red Hook is not business friendly. Mr. Lueck said this Village has hurt his business. Chairman Pearsall said this decision came from the Village attorney. Member Fredricks said this is not personal and he also had to remove signage from his business and unfortunately the Law says 24 sq. ft. or 12 sq. ft. Mr. Lueck said he feels there should be some

discrepancy. Chairman Pearsall said we support the business but he has to follow procedure, and if he gets his variance for the signs they are forever. Co-Chairman Morrison spoke about meeting 2 months ago and approving what they thought the application was, and they were interpreting it wrong, so it was a verbal conversation, and this Board thought applicant was saying he was in compliance and in compliance with the way the code reads and this Board cannot change the Law because this Board supports him. Mr. Lueck did not know why he was not in compliance. Member Fredricks advised Mr. Lueck to get a copy of the zoning code and to apply for a variance and get in compliance.

Chairman Pearsall made a motion to rescind the prior approval granted on February 9, 2012 due to mistake in fact on the application and that the applicant be referred to the building department for a new application for signage. Motion seconded by member Zacharzuk. All in favor.

CEO Harkins advised Mr. Lueck to list as many signs as possible on variance application. Mrs. Lueck asked if the signage for the antique store as well because signage goes for the building and not the business and to count the entire marquee. Member Fredricks said list it all and if the variance is granted it makes no difference. Chairman Pearsall asked Mr. Lueck if he owned the building. Mr. Lueck said yes. Chairman Pearsall said get the variance for everything. CEO Harkins also advised Mr. Lueck to list everything and apply for an area variance. CEO Harkins said the ZBA Board will look for the uniqueness of the property. CEO Harkins said the internal illumination will also need the area variance.

#5. – Agenda – Elena Rose – 7508 North Broadway

Elena Rose was present and advised the board of proposed signage for 7508 North Broadway for her consignment shop. Her shop is 90% consignment but with some new retail. The sign will have a yellow boarder to bring more attention.

Chairman Pearsall asked if the sign was flush against the building or perpendicular. Elena advised flush. Chairman Pearsall asked if there were lights. Elena said no lights. Elena referred to picture that was submitted showing that it will be just above the window. Elena was not sure of the material now because she is not sure about PVC pipe, but she liked the previous applicant's material idea of using "extera" which is a recycled wood composite. Elena asked if that would be ok to change the material. Chairman Pearsall said yes. Chairman Pearsall asked the board for comment. No. comments received.

Chairman Pearsall made a motion to approve the sign application for 7508 North Broadway as depicted on the newly submitted graphic using industry standard building materials with dimensions as listed on application, being flush mounted on the facade of the building and being un-illuminated. Motion seconded by Member Fredricks. All in favor.

#6. –Agenda – NW Sign Industries – 7509 North Broadway (Getty Station)

Tyler Brafford was present as representative. Mr. Brafford advised that he is present this evening for signage at the property which is currently the Getty Station. 1) they are using existing footing of current Getty Sign but replacing poles, topper and side mount to be brand new. Chairman Pearsall asked the Board for their comments. Co-Chairman Morrison asked about the pylon sign and existing elevations asking if it is higher/larger. Mr. Brafford advised 18' x 7' is the one being proposed and he was not sure what the existing one is now. Co-Chairman Morrison asked if CEO Harkins has reviewed the signage. Mr. Brafford said yes he believes so. Chairman Pearsall advised that his only concern was the LED lighting on the price sign. Chairman Pearsall feels that LED sign are not a good fit for the Village due to being too bright. Mr. Brafford said they are bright, but almost all devices have a dimmer switch. Chairman Pearsall advised that he has spoken with CEO Harkins and CEO Harkins advised that the signage currently there now have site plan approval and any variances that were required are in compliance. Member Mirando said its looks smaller than the Getty sign, but we don't have data only pictures to support size and height and how does it compare to the proposed sign. Chairman Pearsall said if it were approved it would be conditioned that it not exceed the height of the existing sign. Member Mirando said the size of the new one should be shaped the same as the existing one and asked if it would be grandfathered in. CEO Harkins said the size of the sign there now is approved and would not be grandfathered. CEO Harkins advised that he was informed that the signs proposed would be the same size as the ones there now. Mr. Brafford advised the current letters are 24" and indicated that the mock of the letters for Sunoco be 2ft long as well. Co-Chairman Morrison asked if this was already approved why are we discussing this. CEO Harkins advised change in colors, change in signage wording, lighting and logo. Chairman Pearsall asked why they changed from style of removal letters to LED. Mr. Brafford advised because initially they were going with what was there and now the industry standards is trying to go to all LED. Member Fredricks was happy with the dim control switch. Member Mirando asked for the maximum illumination is. Mr. Brafford did not have that information because each manufacturer is different. Member Mirando was concerned with the brightness. Chairman Pearsall said not only does he have a concern with brightness but also with the LED sign character being in the Village. Co-Chairman Morrison did not feel the LED signage would be in character of the Village. Member Fredricks asked about the canopy sign with NASCAR and if that was their logo. Mr. Brafford advised that this was there brand and trademark. Member Mirando feels it needs to be subdued. Member Zacharzuk asked about the illumination. Mr. Brafford wanted to know if he meant foot candles and said he did not have that information. Mr. Brafford advised the Board that all lights can be put on a time box where at a certain hour of the evening lights can be shut off. Chairman Pearsall asked if the Getty is still going to maintain the same hours of operation. Mr. Brafford said he believes so, but was not sure, but again if the store closes at 9:00, at 9:15 everything can be shut down. Member Fredricks asked if the canopy was lit. Mr. Brafford advised they normally go with the cabinet that illuminates the entire structure, but does not think this is the case here because they are digitally printed vinyl over

ACM, which is metal with corrugated plastic and metal, so they will not be illuminated. Member Fredricks asked if this has to be in the front. Mr. Brafford said they would want it visible. Member Zacharzuk asked if there was signage on the building for the other tenant, West Side Auto. CEO Harkins said it was on the side. Mr. Brafford said the only other signage was where "Best Mart" currently was. Co-Chairman does not see that Sunoco pylon sign could possibly be considered a kinder replacement for the current Getty sign. Chairman Pearsall showed the board the previous application that was withdrawn. Mr. Brafford indicated it was changed due to the LED lighting. (Chairman Pearsall showed the Board the picture from the previous application that was withdrawn by the applicant) Co-Chairman said the withdrawn proposal was better. Chairman Pearsall asked if this Board denies this application can we come up with the consensus to give the application some direction. CEO Harkins said this Board has the authority to deny the LED proposal and approve the old style. Mr. Brafford advised that with the initial pole, when re-facing they use everything that is already there, so it would not be adventitious to reuse so in the interest of putting everything new in, new topper, LED lighting vs. retrofitting at all, and going back to the original style, we would not be re-using it, but using all new materials to go back to what is similarly there and at this point, he could say no, but then we would be right back here anyway, and he was not sure if they would want to go for a variance. Chairman Pearsall asked Mr. Brafford if he would rather this Board consider if we are not good with going with the new application, would you want us to consider approval for the older proposal which was previously withdrawn, or do you want to go back and see what your client wants to do. Mr. Brafford advised that he did not want to start all over again. Member Mirando asked if existing pylon was still there. Mr. Brafford said yes. This Board did state that they would not approve any sign application that has larger and higher measurements than what is currently there. CEO Harkins did say that with regard to the LED a variance would not allow LED, there is no variance for LED, and the decision would be the Boards. Mr. Brafford advised that with regard to the canopy there are no lights in the canopy, but it does have lighting underneath for customers. Co-Chairman Morrison said then everything is down-lit on the pumps. Mr. Brafford said correct. Chairman Pearsall asked if regarding the canopy that the only light there will be what is existing now. Mr. Brafford said yes. Member Mirando asked with same wattage. Mr. Brafford said yes. Mr. Brafford said their sign package does not change the canopy, but will only be re-skinned. Chairman Pearsall asked the board's thought on this sign. Chairman Pearsall said which signs will be fluorescents. Mr. Brafford said correct, that everything will be internally illuminated fluorescents. Member Mirando said he approved as long as LED can be dialed down and we have them set at a certain output. Co-Chairman Morrison said that he would like to see that they propose a different kind of sign altogether. Mr. Brafford said again that lights can be turned off. Co-Chairman said you cannot dim it once it is specified, but you could show us what different levels of illumination look like at night based on the different pole spec. Mr. Brafford said yes that would be the wattage of the bulb. Co-Chairman Morrison advised that his interest is in knowing what it will look like at night. Mr. Brafford said with the current Getty sign the owner could go out there now and reamped it with 150 watt bulbs in each cabinet it would be bright, so what is the difference now. Chairman Pearsall advised that one of the powers of this board is that if there is an eye-sore in the Village and it comes in front of this Board then

this Board can address it. Co-Chairman Morrison feels that, for instance, if you are going down Route 9 you do not need a lighting level and a visibility of the distance that you have right there in the Village. You are moving slow and are close so there is no need for a high level of illumination and although the other corner stores were grandfathered in the Village needs to work together to keep it attractive. Member Mirando agrees with Co-Chairman Morrison and feels that applicant should present photos showing different agrees of output and wattage and would like to measurements from about 20-25feet away showing lighting. Chairman Pearsall asked if there were any other discussion on a different type of sign other than the single pole. Mr. Brafford said no it was just in retrofitting with the current, but he can look into what other sign packages are available. Mr. Brafford did advise that in this area a goal/dual post sign is almost impossible based on setback. Chairman Pearsall feels that the current sign proposal is not in the character of the Village. Co-Chairman said a new proposal, which is more attractive and fitting with the Village look, and if it required a variance, it would have his support. Mr. Brafford wanted to recap the night and asked that this Board would pick the initial application with the sign being non-LED retro style; has to be no bigger than what is currently there. CEO Harkins advised if it were proposed to be bigger it would require a variance. Co-Chairman Morrison said a variance was for aesthetic of the sign. Mr. Brafford said the choices will be to come up with a brand new thing, or continue on with first initial design with lighting options. Chairman Pearsall said we would like to know the impact coming down the street after dark. Co-Chairman asked if he knew of any locally installed. Mr. Brafford did not know, but can look into that. Mr. Brafford asked if the rest of the sign package – what is the board’s feeling. Member Fredricks said he did not like the NASCAR emblem on the canopy. Co-Chairman Morrison felt that this was a highly commercial - high traffic type of thing. Member Mirando said the colors of Sunoco are bright. Chairman Pearsall asked if the skin color of the canopy can be more traditional. Mr. Brafford will check into the options for the canopy skins. Mr. Brafford did advise that this canopy is not illuminated. Chairman Pearsall asked when researching sign, if they have different skins that would be very helpful. Mr. Brafford inquired as to the sign on the building “Best Mart”. Chairman Pearsall said he has no problem with it because it is exactly as the current one there now. Co-Chairman Morrison asked if it was internally lit. Mr. Brafford said yes and that the one there now is internally lit, but was not sure if it was still functional.

Chairman Pearsall made a motion to table this application to the May 10, 2012 planning board meeting. Motion seconded by Member Zacharzuk. All in favor.

Chairman Pearsall made a motion to adjourn the April 12, 2012 planning board meeting at 9:10pm. Motion seconded by Member Zacharzuk. All in favor.

Submitted by,

LARA HART
Planning Board Secretary

