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TOWN OF CARMEL
ZONING BOARD OF APPEALS



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ZONING BOARD OF APPEALS MINUTES

FEBRUARY 25, 2016

PRESENT: CHAIRMAN, JOHN MAXWELL, VICE-CHAIRMAN, PHILIP AGLIETTI, ROSE FABIANO, SILVIO BALZANO, WILLIAM ROSSITER, MARC DITOMASO, MICHAEL SCHWARZ

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Moloney, Daniel & Rose	86.5-1-23	1	Dismissed without Prejudice.
Freiman, Michael	75.7-2-18	1	Heldover.
Webster, Mark	76.14-2-47.1	1-2	Approved.
Dedvukaj, Mark	87.5-2-45	2-3	Approved.
Gallagher, John	75.74-1-5	3-4	Approved.
Stetson, Alan & Lorraine	64.19-1-75	4-5	Approved.
Lake Plaza Shopping Center	65.10-1-45 & 46	5-19	Approved With Conditions.
Minutes- 1/28/2016		19	Approved.

The meeting was adjourned at 9:28 p.m.

Respectfully submitted,

Rose Trombetta

Application of Daniel & Rose Moloney for a Variation of Section 156-41C9, seeking permission to retain a free standing sign. The property is located at 121-125 Stillwater Road, Mahopac and is known by Tax Map #86.5-1-23.

Code Permits	Provided	Variance Required
Free Standing Sign of 32 square feet	187 square feet	155 square feet
Sign Height of 12'	14'-3"	2'-3"

Mr. Carnazza said the applicant is asking for a dismissal or a withdrawal. There were other violations written on this property so they will be coming in front of the Board with a full site plan and a few other things.

Mrs. Fabiano moved to dismiss without prejudice. The motion was seconded by Mr. Aglietti with all in favor.

Application of Michael Freiman seeking permission for a Use Variance permitting dairy goats on property. The property is located at 55 Vista Terrace, Mahopac and is known by Tax Map # 75.7-2-18.

Mr. Maxwell said Mr. Freiman is looking for an adjournment until next month.

Mr. Balzano moved to adjourn the application. The motion was seconded by Mrs. Fabiano with all in favor.

Application of Mark Webster for a Variation of Section 156-15, seeking permission to retain a preexisting ice house (storage shed/potting shed). The property is located at 131 Watermelon Hill Road, Mahopac, NY 10541 and is known by Tax Map #76.14-2-47.1.

Code Requires	Provided	Variance Required
20' side yard	5' side yard	15' side yard variance

Mr. Steve Frederolla was sworn in.

Mr. Frederolla said he is here representing Mr. Webster and they are looking for a variance for the potting shed that has been there for many years.

Mr. Maxwell said so you need variance of 15 feet with a 20 foot setback, he said it looks like it has been there for a while but it does blend in very nicely with the hillside.

Mr. Carnazza said this was part of a subdivision and they put that line there and at the time they went for other variances and had written to be removed on the plan, but it was never removed.

Mr. Maxwell said it is well maintained, it's in good shape and it has some sort of gazebo type top. The fence next door really segregates it very well. He then asked if there is any property they can purchase to bring this into conformance.

Mr. Frederolla said no I don't think so.

Mr. Maxwell asked if there is any input from the public on this application.

Mr. Aglietti moved to close the public hearing. The motion was seconded by Mr. Balzano with all in favor.

Decision of the Board:

Mrs. Fabiano moved to grant the variance. The motion was seconded by Mr. Aglietti with all in favor.

Application of Mark Dedvukaj for a Variation of Section 156-15, seeking permission to construct front covered porch and shed. The property is located at 67 Kia Ora Blvd, Mahopac NY 10541 and is known by Tax Map # 87.5-2-45.

Code Requires	Provided	Variance Required
40' front porch	32'	8'
15' rear shed	2' and 2'	13' and 13'

Mr. Mark Dedvukaj was sworn in.

Mr. Dedvukaj said he is looking to open a front door in his house. When I purchased the house the front entrance is located towards the rear of the house in an awkward location. He said we have been entering and exiting through the kitchen.

Mr. Maxwell said its wide open right now.

Mr. Dedvukaj said it's not wide open the structure hasn't been touched I just wrapped the house in stucco but I left that area alone until I get the approval.

Mr. Maxwell asked if he will be putting footings out there.

Mr. Dedvukaj said it's going to be a cement landing with footings and we are looking to do an overhang for the door from the roof.

Mr. Maxwell said you need an 8 foot variance for that. The shed is not there but it is kind of tight for the board, since it has not been built yet we should try to bring it in a little bit.

Mr. Carnazza said it should be a 5 foot minimum, the fire code doesn't allow for anything less.

Mr. Maxwell said we don't want to bring it in too much because of the driveway, I would say bring it in 5 feet from the left side and 7 feet towards the front of the house.

Mr. Dedvukaj said I also have my well located in that area.

Mr. Maxwell asked if he knows exactly where the well is.

Mr. Dedvukaj said it is approximately 4 feet to the left of the rear corner of the house.

Mr. Maxwell said you're going to want to stay away from that anyway as it is so maybe 7' and 7'.

Mr. Dedvukaj said that would bring it right into my house.

Mr. Maxwell said it depends on what size the shed is; he then asked if he could show him where the well is located on the survey.

Mr. Dedvukaj said it is located here at the edge of the house.

Mr. Maxwell said so what size shed are you looking to build.

Mr. Dedvukaj said I am looking to do a 5' x 10'.

Mr. Carnazza said 6' x 8' is more standard or an 8' x 10'.

Mr. Maxwell said because we don't know where your well is as it pertains to the survey, I would say let's just keep it minimal as possible. He said 5' and 5' is fair. He then asked if there any property you can purchase to bring this into conformance.

Mr. Dedvukaj said no.

Mrs. Fabiano asked if they have a second shed.

Mr. Dedvukaj said no that's the one that was done illegally and it was gone when I purchased the house.

Mr. Maxwell said on the agenda it says a 14' variance but on his application it says 8'. If it was advertised incorrectly we would have to bring it back.

Mr. Carnazza asked how it was advertised.

Mr. Maxwell said our agenda says 14' variance that doesn't add up.

Mrs. Fabiano said actually he needs a lesser variance then what was advertised.

Mr. Charbonneau said I think were okay because it is less then what was advertised.

Mr. Carnazza said were going to have to change the numbers and have him initial the file copy.

Mr. Balzano said the application is correct. It was advertised incorrectly.

Mr. Maxwell asked if there was any input from the public on this application.

Mr. Balzano moved to close the public hearing. The motion was seconded by Mrs. Fabiano with all in favor.

Decision of the Board:

Mr. Balzano moved to grant the front porch as presented and a moved to modify the rear shed so it is a 5' x 5' setback as opposed to a 2' x 2' provided it doesn't encumber his well. The motion was seconded by Mr. Rossiter with all in favor.

Application of John Gallagher for a Variation of Section 156-15, seeking permission to retain shed. The property is located at 27 Middle Branch Road, Mahopac NY 10541 and is known by Tax Map # 75.74-1-5.

Code Requires	Provided	Variance Required
	7'	3'

10' side		
10' rear	3'	7'

Mr. Gallagher was sworn in.

Mr. Maxwell asked what he is looking to do.

Mr. Gallagher said he is looking to retain his shed.

Mr. Maxwell said it looks like it's been there for a while.

Mr. Gallagher said yes since before I purchased the house.

Mr. Maxwell said so it never got picked up on title search.

Mr. Gallagher said I guess not.

Mr. Maxwell asked how long he has owned the house for.

Mr. Gallagher said 11 years.

Mr. Maxwell said well it looks pretty well fenced with trees, were there any complaints from neighbors.

Mr. Gallagher said no.

Mr. Maxwell asked if there is any other property he can purchase to bring this into conformance.

Mr. Gallagher said no.

Mr. Maxwell asked if there is any input from the public on this application.

Mr. Balzano moved to close the public hearing. The motion was seconded by Mr. Aglietti with all in favor.

Decision of the Board:

Mr. Aglietti moved to grant the variance. The motion was seconded by Mrs. Fabiano with all in favor.

Application of Alan & Lorraine Stetson for a Variation of Section 156-15, seeking permission to add 4' addition to rear of house. The property is located at 204 West Lake Blvd., Mahopac NY 10541 and is known by Tax Map # 64.19-1-75.

Code Requires	Provided	Variance Required
15'	8.75'	6.25'

Mrs. Stetson was sworn in.

Mr. Maxwell said she is looking for a variance of 6.25'.

Mrs. Stetson said yes, the back of the house has two porches; the upstairs porch has a flat roof which is heated and insulated. The downstairs porch is a three season room but the flat roof has been leaking

so we are re-doing the roof in the back of the house to go over the back porch so it's not just a flat roof anymore. We also want to rebuild the porch to make it come out 4 more feet.

Mr. Maxwell said this is in the rear of the house right.
Mrs. Stetson said yes.

Mr. Carnazza said the addition is in the rear of the house but it is adjacent to the side yard. He then asked if they are going 4 feet beyond the footprint.

Mrs. Stetson said yes on piers.

Mr. Maxwell asked if they will take the concrete stairs out.

Mrs. Stetson said yes, we are going to take them out and put new stairs in.

Mr. Maxwell asked if they are doing the whole façade of the house.

Mrs. Stetson said we are re siding it. When we renovated the house originally 20 years we did wood siding and as were getting closer to retirement we are realizing we want to do something maintenance free.

Mr. Maxwell said so you're coming down the same side line of the existing façade of the house and you're not encroaching into the neighbor's property.

Mrs. Stetson said exactly and it's going to be on piers so there is no digging or foundation work.

Mr. Maxwell asked if there is any other property that can be purchased to bring this into conformance.

Mrs. Stetson said no.

Mr. Maxwell asked if there is any input from the public on this application.

Mr. Nicholas Lupinacci was sworn in.

Mr. Lupinacci said he is here along with his wife and we live two doors away from the Stetsons and we are here to support their endeavor.

Mr. Aglietti moved to close the public hearing. The motion was seconded by Mr. Rossiter with all in favor.

Decision of the Board:

Mr. Aglietti moved to grant the variance. The motion was seconded by Mr. Balzano with all in favor.

Application of Lake Plaza Shopping Center, LLC for area variances to relax parking and signage requirements for the shopping center. The property is located at 983-1005 Route 6, Mahopac NY 10541 and is known by Tax Map # 65.10-1-45 & 46.

Code Requires	Provided	Variance Required
Tenant Space 2-11 1 sign per establishment	1 sign per establishment plus 1 under canopy sign 10sf(5sf per side)	A second sign where only 1 is allowed
Stop & Shop 1 sign per establishment per road	7 signs	5 signs facing Route 6

frontage (two)		
Stop & Shop: sign area of 40 sf per commercial establishment per sign	Stop & Shop Sign – 400.2 sf Peapod Locker Sign – 177sf	Variance of 360.2 sf Variance of 137 sf
6 parking spaces per 1000sf gross floor area	4.2 parking spaces per 1000sf gross floor area	1.8 parking spaces per 1000sf gross floor area
Standard spaces must measure 10 ft x 20 ft	9 ft x 19 ft	1ft x 1ft

Mrs. Geraldine Tortorella, attorney for the Lake Plaza Shopping Center LLC, John Canning a professional engineer with VHB engineering planning and surveying and Christina Monroe with Agnoli signs which are the manufacturer and designer of the signs for the Stop and Stop supermarket were present before the board. Also, two representatives from Heidenberg properties who represent Lake Plaza shopping center LLC, Robert Heidenberg and Pablo Medeiros.

Mr. Maxwell swore them all in.

Mrs. Tortorella said we are here for two different types of variances. Our application this evening is for parking variances and for sign variances. These variances come out of an application for a complete revitalization of the shopping center and a significant renovation of this center which we are very excited about. The idea is to really spruce up the shopping center and bring something that our clients are very excited to have in town and that the town and community will be excited to have because of what it will offer. The plan is to demolish the existing supermarket and to construct a larger state of the art Stop and Shop supermarket which will bring a lot of vitality to the shopping center. Our plan is to do improvements throughout the entire shopping center, not just for the Stop and Shop. In addition to the new building and constructing another small retail space abutting the Stop and Shop we are also doing parking lot improvements, lighting improvements, drainage, storm water and sewer and water improvements. Our plan is to redo the facades of the smaller retail tenants, we are not changing the Kmart façade because that's not a building we have control over but we are doing a lot to upgrade the facades of the smaller tenants to position ourselves so that possibly in the future if Kmart is available to renovate. The improvements that were doing are really going to be in the nature of both environmentally friendly and sustainable. We would like to give you a little more detail before we talk about the specific variances we are requesting I would like to do that because it is important for you to understand the context in which the application arises, it's not a simple small renovation of a building.

Mr. Maxwell said it is a welcomed and overdue change; this board's job is to make sure that it is not overdone. We appreciate the fact that you are putting some money in and making these enhancements here but we still have a job to keep it within the character of the neighborhood and our set of standards. If you want to do the parking which will be simpler so we can spend more time on the signs.

Mrs. Tortorella said we will give the overview of the site plan, we will go into the parking and then we will go into signage.

Mr. John Canning said I'm sure you are familiar with the site, we have Kmart at the south end, and you have the tenant stores in the middle and the Key Food at the north end. The proposal is to take the existing Key Food and demolish that and the CVS that is next to it, we would be expanding out to the north and in the rear so we can construct the new Stop and Shop that will be about 25,000 square feet bigger than what is existing. In addition to that it is proposed to provide employee parking in the back and expand the parking out to the north a little, additional measures would be the elimination of the slip ramp out of the parking lot. That will make it more difficult for the trucks to go out onto Baldwin Lane they would have to come out to Route 6. It is also proposed to repave the entire parking lot to create a better condition and smooth out the waves. We are also proposing to provide end caps onto the parking aisles on both sides to stop people from cutting across the parking lot and it will allow us to do some landscaping to make the parking lot more appealing. In collaboration with the

planning board they suggest that we do landscaped island in the middle of the parking lot to stop people from cutting right through it, we will also be doing some landscaping in the island that leads in and out of the parking lot to Route 6. He said when this is finished it will be a much appreciated improvement to this site. From the parking perspective there are 629 parking spaces there now and I'm sure you have been down there good luck finding 200 people parking there. We went out there on Black Friday in 2014 and documented a peak parking demand of 178 parked vehicles which is a parking ratio of 1.27 parked vehicles per 1000 square feet. We are proposing to add some parking so that when we are done there will be 86 more parking spaces for a total of 725. Based on the surveys we did and projecting for a new bigger supermarket we are projecting a peak parking demand of 268 parked vehicles which is a parking ratio of 1.7 parked vehicles per 1000 square feet.

Mr. Balzano asked if it was 725 parking spaces or 715.

Mr. Canning said it is 715 I wrote that down wrong. As you are aware your code requires 6 parking spaces per 1000 square feet. I would guess that regulation is about 30 years old because we live in the era of e-shopping, plenty of people don't even go to the store anymore. We are trying to get a reduction from 6 spaces per 1000 square feet to 4.2 spaces per 1000 square feet. To justify that I have evidence that support this request (hands out documents to the board members). He said the institute of transportation engineers is a professional society of transportation engineers that compile surveys that we do and they categorize them by land use type and they do parking projections. They have a fourth edition of their parking generation manual and the first page inside the cover is parking surveys for supermarkets and this facility is partially a supermarket and partially a shopping center. You can see the average peak parking demand on a Saturday is 3.92 parked vehicles per 1000 square feet. On the next page you can see for a shopping center on a Friday not in the High Holiday shopping season is 2.94 vehicles per 1000 square feet. On the next page is a Saturday non December is 2.87 parked vehicles per 1000 square feet and there is also a publication of shared parking published by the urban land institute and they recommend parking rates for various land uses. If you look at the top of the page it is a community shopping center and on the weekend they recommend you have 3.2 parking spaces per visitor and .8 parking spaces for employees for a total of 4 parking spaces per 1000 square feet. Based on the industry standards and recommendations and observations which are even less than that and I think based on your observations of being at the supermarket you will feel comfortable with increasing the existing parking compliment by 86 spaces and having a parking ratio of 4.2 square feet will not result in any parking problems or any detriment to the neighborhood.

Mr. Maxwell asked if he was factoring in the employee parking.

Mr. Canning replied yes. He said the second variance we are requesting is a reduction in the size of the parking spaces, your code requires your parking spaces to be 20 feet long and 10 feet wide with a 24 foot drive isle between the spaces. He said in the handout I have provided down in the left half of the page, the 85th percentile are either 6.7 feet wide or less in size or 17.3 feet in size, so the cars are approximately 3 feet shorter than the code required for parking space length and approximately 3 feet narrower in the width of the code required space. For the width the recommended minimal width by the ULI and there dimensions of parking for community retail facilities is 8.9 feet to 9 foot in width. Parking spaces is related to turnover and familiarity so if you go to a parking lot you never been to before the spaces could be a little more difficult to park in. Low turnover parking spaces for employees typically are even narrower, they are 8.3 to 8.6, and the ULI recommends you have larger spaces for higher turnover so we are looking for a reduction of your code from 10 feet to 9 feet. The majority of the spaces out there today are pretty much 19 feet x 9 feet, the code requirement is 20 feet with a 24 foot isle so it is a 64 foot bay, right now you have a 62 foot bay. We are basically requesting to put back what was originally there.

Mr. Maxwell asked if that will be more controllable by the islands that will be built.

Mr. Canning said yes, we will be able to maintain the lines and you will have less people deciding to be line across the parking lot to the exit.

Mr. Carnazza said you're also putting one full length divider in the middle too.
Mr. Canning said that's correct.

Mr. Maxwell said there is just no organization in that parking lot nothing is there to guide you.

Mr. Canning said yes so we are really making an effort to do that. In the last page of the hand out is the stall length that is recommended by the ULI for perpendicular parking by 90 degrees, they recommend that you have a minimum 59 foot parking block which is basically two 18 foot parking spaces and a 23 foot parking isle. Your code said you have to have two 20 foot parking spaces and a 24 foot parking isle so we are requesting a reduction in the parking space size front 20 feet to 19 feet. One minor point is there is a provision in your code for the overhang so we are proposing 17 foot deep parking spaces in compliance with the curb so your cars bumper can hang over a bit. I submit that the evidence we have provided supports the case that the number and size of the parking spaces will be more the adequate to safely and efficiently accommodate parking spaces at the facility.

Mr. Maxwell said you had mentioned that this publication is from the Institute of Transportation engineers, what is there credibility.

Mr. Canning said they are a professional organization so they are not sanctioned by the Federal Government but professionals such as myself organized this organization so we could continue our education programs and build data.

Mr. Maxwell said so you use it as a design standard and try to do greater than that.

Mr. Balzano asked if the numbers include the Key Bank.

Mr. Canning said yes.

Mr. Maxwell said we are going to segregate this between the parking variances and the signage so is there any input from the public on the parking spaces.

Mrs. Fabiano asked if they will be changing the grading in the parking lot because one huge problem in the Kmart parking lot is runaway carts bumping into cars to see if there is some way to alleviate that slope.

Mr. Canning said it is something we will take into consideration, we have proposed to resurface the Kmart parking lot so we can smooth over some of the minor grading issues but we were not proposing to do a whole sale regrading in part because the south end of the parking lot is in the 100 foot buffer of the wetland which would cause more of a disturbance.

Mrs. Fabiano asked if they will have holders for the shopping carts.

Mr. Canning said the Stop and Shop will have holders for the shopping carts.

Mr. Carnazza said can you put something along the building to hold the carts for Kmart.

Mrs. Fabiano said that is a big problem over there.

Mr. Maxwell said that is a Kmart problem.

Mrs. Tortorella said the Stop and Shop has a plan for carts to be collected in cart canals in the shopping center. In respect to the Stop and Shop operation that is something that is integrated into the design.

Mr. DiTomaso said from the wetlands to the car wash is there any plan to remedy speed from end to end.

Mr. Canning said from this point no, we can certainly talk to the team and speak with them and we still have to go to the planning board.

Mr. DiTomaso said from my experience coming in from Dunkin Donuts it's always a problem.

Mr. Carnazza said well what was proposed at the planning board was to require people coming in through Dunkin Donuts to turn left.

Mr. DiTomaso said at the Acme parking lot where there is a long driving isle they put in speed bumps which has helped a lot which is something to consider.

Mr. Carnazza said the only problem is it will make it more difficult for maintenance and plowing.

Mr. Maxwell said they will discuss that at the Planning Board.

Mrs. Tortorella said we have been to the Planning Board twice and the last meeting before this they referred us to you but we have not been back to the planning board we having been waiting for them to get their own architectural consultant which they have done so we will go back in the near future. One of the issues that have been raised is what is happening of the Dunkin Donuts driveway which we haven't got a chance to further discuss with them yet.

Mr. Maxwell said let's move on to the signage.

Mrs. Tortorella said there are a few different types of sign variances we are seeking this evening and I would like to start with the tenant spaces 2-11. Those are the smaller tenant spaces, those spaces will all have a wall sign there is a maximum square footage but we would like to introduce what we call under canopy signs which are shown in this diagram. Basically for the smaller tenants they would be signs that hang down from the canopy or protrude out from the wall and have the name of the shop owner. We are proposing they are going to be 1 x 5 square feet each side so accumulatively 10 square feet in size, you code only allows one sign per establishment per street frontage and our request would be for allowing a second sign for each of those tenant spaces 2-11 which would be a maximum of 10 square feet. We think it adds some character and some cache to the shopping center to give a nice traditional feel to that area. One of the things we are trying to do with this whole revitalization of this shopping center is look at it as a package deal and look at it as signage for not only Stop and Shop but for the center as a whole.

Mr. Maxwell asked if they would be illuminated.

Mrs. Tortorella replied no.

Mr. Carnazza said it would be similar to Putnam Plaza.

Mr. Balzano asked if they are addressing the signs on the exterior.

Mrs. Tortorella said yes we are the small tenant store signs will be of a uniform character and have them all conform in size. We expect to meet with the architectural consultant and the planning board as they serve as the architectural review function as well.

Mr. Balzano said when the architectural review existed there was something out there to get all of those signs more consistent. It would be nice if there was a better, tighter look and feel which would be my main concern.

Mrs. Tortorella said that is our concern and desire as well. It is like redoing the whole house and leaving the windows. The whole center is going to look like a brand new center for the majority of it.

Mr. Maxwell asked if there is any additional façade work on the plans for the stores.

Mrs. Tortorella said there is substantial additional façade work, we are looking to renovate the façade of all of the small tenants and that is one of the things we are unable to advance in with the planning board. The planning board has seen the proposed Stop and Shop façade and they have seen a design for the renovations and we have gotten various comments but no uniform direction yet.

Mr. Maxwell said so you are working with the Planning Board and the consultant to get to the end game.

Mr. Carnazza said they have hired Mr. Vincent Franze to be there consultant and he is looking forward to moving forward on this.

Mr. Maxwell said let's concentrate our efforts on the variances.

Mr. Schwarz asked if the planning board has weighed in on the under canopy signs.

Mrs. Tortorella said the planning board has seen all of these signs including the under canopy. I think there was a general consensus that it's a nice treatment.

Mr. Maxwell said I think it will help with the safety element your need reaching into the drive lane to see what door you're at.

Mr. Carnazza said and maybe that will help keep some of the signs off the glass.

Mr. Balzano asked if it will be one or two signs underneath the canopy.

Mr. Carnazza said it will be a one two-sided sign so they are being charged for both square footages but it is one sign.

Mrs. Fabiano said so you are going to have a sign out on the street with the listing of everybody then you're going to have a sign under the canopy and your also going to have a sign on the outside of the building.

Mrs. Tortorella said that is correct, the monument sign is the one out on the street and then the wall sign is on the exterior of the building and the under canopy sign which is not visible from the parking lot it is only visible as you walk under the canopy along the sidewalk.

Mr. Agletti asked how many tenants will there be?

Mrs. Tortorella said currently there are 10 small tenants and two anchors.

Mrs. Fabiano asked if there is a complete coverage from the canopy or will it be single canopies.

Mrs. Tortorella said it is a continuous canopy along the frontage of the smaller tenants. It won't be in front of Kmart or Stop and Shop, there is currently a canopy there but it is a covered walkway.

Mr. Maxwell said so you are looking for additional variance signage per store.

Mrs. Tortorella said yes so we are looking for a blanket variance that will allow each of the smaller tenants to have an under canopy sign of up to 10 square feet.

Mr. Maxwell said right now what does exist for each store?

Mr. Carnazza said it would be an addition to the 40 sf. They are going to put a 40 square foot sign on the building and then they will put one more 10 foot sign under the canopy per establishment except for the anchor stores.

Mrs. Tortorella said yes it is one additional 10 square foot sign per establishment. We are prepared for you to limit it to the size, we have given you a design and we don't want anybody to think if you give us another sign we would put another 40 square foot sign. It is intended to be an under canopy sign, you have limitations in your code for how far down that can project, we will need a certain clearance from beneath the sign to the walkway so we would meet that clearance.

Mr. Schwarz said what if the planning board doesn't want the under canopy signs, you wouldn't need a variance then. He said I would have a problem granting a blanket variance because that runs with the land.

Mr. Carnazza said this was already in front of the planning board and they have seen these signs they could not reply to them because it can't be approved by them until the zoning board sees it first.

Mr. Maxwell said we could always condition it on what the planning board says.

Mrs. Fabiano said the individual signs for each store that are going to be above the canopy, will they be of the same size and color.

Mrs. Tortorella said the outside signs will be on the face of the wall.

Mrs. Fabiano asked if they will be of all consistent color and size.

Mrs. Tortorella said we haven't completed that yet, our goal is to have uniformity but many tenants have their design already so we will have to reach a compromise on what will work esthetically and operationally.

Mrs. Fabiano said so they will have to come back to this board again when they decide what they are doing.

Mrs. Tortorella said no if there signs conform in size then they won't need to come to the zoning board of appeals. This is all something that needs to be reviewed by the planning board but they will look at the architectural design all as a package.

Mrs. Fabiano said so the planning board is responsible for that.

Mr. Carnazza said that is correct, the only way they would come back here is if they challenge the decision of the board.

Mrs. Tortorella said our intention is to have them conform in size unless we have a unique situation where we need a larger sign and that might occur if we have multiple small tenant spaces were conjoined and it was larger then what currently exists. She said with respect to the Stop and Shop signs we will need different types of variances for those. We need a variance for the number of Stop and Shop signs, you have a limit of one per street frontage and on this façade the Stop and Shop signs are considered the Stop and Shop with the fruit bowl logo, the pharmacy sign, the peapod sign, the fast care sign and then the signage that is on the peapod delivery lockers. Peapod is where you can call the store, tell them what you want to order and we could either have it readily available in a peapod locker or we would deliver it to your house. We have designated parking spots for these

lockers, the lockers are not refrigerated they are along the front of the building and they have the signage that indicates it is peapod.

Mr. Maxwell asked if the whole locker is considered a sign.

Mr. Carnazza said no the sign is on the locker is.

Mr. Maxwell said that whole rectangle shape is two lockers side by side.

Mrs. Tortorella said I think it is three or four lockers.

Mr. Maxwell asked if there is a need to have as much signage, once the customer starts using the service they will begin to know where to go.

Mr. Carnazza asked if we can put just the logo on there.

Mr. Maxwell said make the sign in the same elements but put it into the corner of the sign, don't have the whole façade being flooded with the sign.

Mrs. Tortorella pointed to the map and stated this is the front of the peapod locker and this side of the building is the side that faces Baldwin Lane, there is a section of signage on the side of the locker and the peapod parking spaces are in this general vicinity of this building.

Mrs. Fabiano asked if the lockers could go on the side so it's not as obvious and you can just have the pickup sign in the front.

Mrs. Tortorella said there is no room we tried.

Mr. Carnazza said the planning board tried that and there is no room because of the isles they are required to have adjacent to the parking. He said it is very important that they keep the buffer between Baldwin Lane and the side of the building.

Mrs. Tortorella said yes that is a work in progress right now, nothing is set in stone yet but our goal is to maintain as much of the buffer as we can. The point Mr. Carnazza is trying to make is that everything we add to the side of the building, pushes development towards Baldwin Lane.

Mr. Maxwell said in my mind I think it's a little too much, what we can negotiate this down to.

Mr. Balzano said I look at the Stop and Shop in Somers and the Starbucks sign is under the Stop and Shop sign so I think we could play with this a little bit because I believe it is a little large.

Mr. Aglietti said on the left side of the building there are three signs that say peapod all on one end, I just don't see how that is necessary. Peapod pickup is all you really need there; the lockers won't even need a sign on them if you have a sign right above them.

Mrs. Fabiano said the "peapod pickup sign here" is probably enough.

Mr. Aglietti said yes I understand if they want it up higher.

Mr. Carnazza said the problem is there are other establishments within the building. Each establishment is entitled to a sign and they are separate establishment. Peapod is Stop and Shop but the reason you don't see Starbucks or the bank is because they are separate establishments so they won't count as the total.

Mrs. Tortorella asked if the board could give us a sense of what you can handle. Part of the idea with the signage is to break up a little bit of the façade in this area. She said we are doing nothing with signage on this side of the building facing Baldwin Lane.

Mr. Maxwell said yes but there is no need for it because you won't see it from any roadway.

Mrs. Fabiano said it is excessive just one sign is all you need.

Mr. Maxwell said even if you made a smaller insignia in the left hand corner of one door it would be enough if you are trying to identify peapod is already on the façade itself.

Mrs. Tortorella said I just want to make sure I understand correctly, a sign of this style on one door along this frontage is something that the board would like.

Mr. Maxwell said which side is the pickup sign.

Mrs. Tortorella said it is on the Baldwin Lane side.

Mr. Maxwell said I think that would be needed so people know to actually pick up there but the rest of the signs along the front of the building are overdone. The fact that you're having a façade sign above it which looks much nicer will identify your customers; I think we need to do away with all of the signage along the front.

Mr. Maxwell said those other signs are for the subtenants.

Mr. Carnazza said the bank and Starbucks do not count in the sign total, they are entitled to a 40 square foot sign per establishment.

Mrs. Tortorella said there are 7 signs that are indicated as being Stop and Shop signs, fast care is a pharmacy considered as Stop and Shop, so it is a text and graphic sign.

Mr. Maxwell said most of the board members are feeling that it is redundant and unnecessary.

Mrs. Tortorella said so nothing on the front of the locker just on the side here.

Mr. Maxwell said keep in mind I think the pickup sign is still needed for your customers but the peapod sign on the façade above that whole storage area is enough to identify.

Mrs. Tortorella said okay but there won't be any pick up here underneath peapod.

Mr. Maxwell said there is a pickup sign on the side and that's where you are directing your customers to pick up.

Mrs. Tortorella said that's correct.

Mr. Aglietti said that's where the parking is too.

Mr. Maxwell said yes and it's the safest corner.

Mrs. Tortorella said yes that's why we want to direct the parking to that area.

Mr. Aglietti said they will know where to go and this way there will be no confusion on pulling up to the front.

Mrs. Tortorella said okay.

Mr. Carnazza said so we are down to 6 signs I believe.

Mrs. Tortorella said five, for you to approve. That is one of the categories for sign variances which are number of signs. The other is the size with respect to the Stop and Shop wall sign. Because of the way your code is written, to measure the size of the sign we have to draw a rectangle around the sign at its outer most edges. So we have a sign which has capital letters and lower case letters that drop below the sign with the p. We end up having to draw the rectangle around the sign which leads us to a calculation of a little over 400 square feet for the stop and shop wall sign. If we were to look at that, I recognize the number sounds very large but it doesn't fairly represent the mass of the sign or the size of the sign in relation to the façade. This is a building that is 255 feet long we are proposing a wall sign only on the Route 6 frontage, were not proposing any on the Baldwin Lane frontage because the planning board was very concerned about that. We have a building that is hundreds of feet of a setback and we are talking about it at a lower elevation of Route 6. These spaces here all contain stores in front of the Stop and Shop and it is a 360 foot setback from Route 6 itself. We are talking about a sign that you will be looking down at quite a distance away, if you were to actually measure the mass of the sign it totals less than 160 square feet for the lettering and the imaging. 241 square feet is blank space.

Mr. Maxwell asked what the makeup of the sign is.

Mrs. Moroe said it is 5 inches deep they stand off the wall about an inch, sometimes they do it flat if it is required.

Mr. Maxwell asked if the wall was stucco or masonry just to get an idea of the shadowing.

Mrs. Tortorella said it is wood slats so it breaks up some of the wear, it's a building built for sustainability. All of what Stop and Shop does now is built for less cost maintenance and longer term sustainability. It will be using a number of different types of sustainable materials; they have incorporated into the design different types of materials that will protect excess heat.

Mr. Maxwell said so the sign will be internally lit.

Mrs. Moroe said yes it is with LED's.

Mr. Maxwell asked what the standoffs are.

Mrs. Moroe said it's about an inch.

Mr. Maxwell said so there is going to be some shadowing.

Mrs. Moroe said you won't get any shadowing because it is face lite.

Mr. Maxwell said okay.

Mr. Aglietti said it's only the letters and the bowl.

Mrs. Moroe said yes it's an individual channel letter; each piece of the bowl is separate.

Mr. Maxwell asked if the other signs are the same makeup.

Mrs. Moroe said yes they are all individual letters with LEDs making it green and lead certified.

Mrs. Tortorella said that's a very significant undertaking endeavor of Stop and Shop and it is very important in the design model that it could make sure it was able to do in this center.

Mr. Maxwell asked if they are going for lead certification.

Mrs. Tortorella said I don't know what level of lead certification it's going to depend because there is a lot with lead certification that we don't realize but we do want to get on some level of lead certification and I don't know if it is possible to get to the top level. The Stop and Shop signs that we are talking about seeking the variances for is the wall sign that is the only one that exceeds the square footage. All of the other signs conform to your code, we can have two signs but the other 3 we will need a variance based on number of signs.

Mr. Aglietti asked if we have an understanding of the hours of illumination for these signs.

Mrs. Moroe said the signs are generally shut off when the store shuts off; they are on an energy management system so if they open at 6 am then they will turn on then and if they close at 12 then the sign will turn off at 12. They only run the sign during open hours; I'm not sure what the specific hours are at that store.

Mrs. Fabiano asked if there is a parking spot for the peapod pickup or just a drive through type of thing.

Mrs. Tortorella said there will be a few parking spaces designated for it. In referring to the site plan this is the Stop and Shop, these spaces in this area are intended to be the peapod pickup spaces. The idea is that they will be assigned for peapod pickup.

Mrs. Fabiano said yes but it's possible for someone to decide to just park in there and spend an hour in the store, there is nothing preventing them from parking there.

Mrs. Tortorella said there isn't but I think both the Town and applicant would be trying to reserve those because it is difficult and would make a less efficient use of parking if we reserve certain spaces for certain things. They have had the pickup process for many years and they have not had a situation where it has been a problem. They have done it a few different ways, they used to have a canopy and you would drive up under the canopy, they have done away with that and made it so you are in parked get your things and you're out.

Mr. Maxwell said we are down from 7 to 5 signs. But just getting back to your point of the square footage of the Stop and Shop sign it is calculated by making a border around the whole image.

Mrs. Tortorella said yes, this is one of the sheets that are in the submission and here is the rectangle.

Mr. Maxwell asked if they can minimize the fruit bowl because that is what is giving them more needed square footage because it is raising the border higher, can you make that image a little smaller.

Mrs. Tortorella said the problem is this is all about proportion and that is part of the design and the signage is information, directional and advertisement. There is an esthetic element to it and the desire is to have that in proportion to the text of Stop and Shop. This is the design they have arrived at for a number of years, this façade of signage has many fewer signs that you would see in the Somers Commons shopping center.

Mr. Maxwell asked why does it have to be that size, you can still identify with it if we brought the whole proportion down it will still be lite at night. Look at that whole section on the façade; I think that sign can be brought down to a smaller size that is still visible.

Mr. DiTomaso asked if the fruit bowl is taller than the S.

Mrs. Tortorella said yes.

Mr. Maxwell said if you can't make the fruit bowl smaller than the wording then reduce the whole image, we are looking at 362 square feet compared to 40.
Mr. DiTomaso said even if we say the 160 it would still be substantial.

Mrs. Tortorella said I recognize that but I don't want to lose track of the fact that we have a 255 linear foot long building. If we were to break this up into separate retail tenants, each one would be allowed 40 square feet and you could cut it up into 12 individual tenant spaces. We are just taking all of the signage potential for this building and aggregating it into one location and leaving it off the side.

Mr. Maxwell asked what the sign size is for the Key Food.

Mrs. Tortorella said it's about 92-95 square feet but you don't want us to have a sign like that.

Mr. Maxwell said this is in the newspaper it's in the Mahopac News people know it's coming people are going to know it's there the sign will identify it weather it is the size it is now or 1/3 smaller. This is a pretty big variance and we have to minimize or grant the variance minimal within certain guidelines.

Mrs. Tortorella said yes but you also have to do that in a balancing test, if you talk about the benefit of the investment going into the reconstruction and revitalization of this shopping center. In order to draw valuable tenants to centers, branding and signage is a very important thing that people look at. We have a sign that numerically sounds large but if you look at it mass wise and if you look at it distanced from the road and in relation to the façade it is an appropriate proportion.

Mr. Maxwell said you also have to balance that you are adding four other signs that you are not normally supposed to have so there is give and take on both ends here. I know the store is becoming bigger and possibly doubling in size but I don't know what the other Board members think.

Mrs. Tortorella asked if there is any guidance they can give to what would be suitable. Your code starts in the right place based on your linear frontage, 40 square feet on a 250 foot long building is not appropriate. You as a board recognize the anchor stores in parking lots and the signage but we need to have guidance here.

Mr. Maxwell said I was thinking 1/3 less but if its 400 now then you make it 300. It will still satisfy and fit in with the rectangle shape of the façade because you want to be esthetic as well.

Mrs. Tortorella said unfortunately the representative of Stop and Shop couldn't make it this evening but I do want to bring it back to them and take a constructive guidance to them because it will be important.

Mr. DiTomaso asked if they have had signs smaller than this.

Mrs. Tortorella said this is a whole new design for both building and sign package so yes, you can drive elsewhere and see smaller signs but what I want to point out that what you see with the smaller signs is lots of little department signs.

At which time, Mr. Maxwell read the guidelines for the area variance.

Mrs. Tortorella said is it the consensus of the board that 300 square feet would be okay.

Mr. DiTomaso said I would like to see the way it would look in there because I want to make sure that the sign isn't lost in there because the balance is important, my only concern is making it to small.

Mrs. Tortorella said I don't have access to the person at Stop and Shop but I think Stop and Shop is willing to cut it down to 300 square feet but they would like to have some type of signage on the peapod locker.

Mrs. Fabiano said maybe we could hold this over so you can rework it.
Mr. Maxwell said just come back with a few options.

Mrs. Tortorella said so a 300 square foot Stop and Shop sign with the wall signs for pharmacy, peapod and fast care, no signage on the front of the locker just the pickup sign on the side that faces Baldwin Lane.

Mrs. Fabiano said so the 5 signs are the main sign, the peapod sign, the pickup sign, fast care sign and pharmacy sign.

Mrs. Tortorella asked is this the consensus of the board?

Mr. DiTomaso said I would like to see it first.

Mr. Maxwell said I know you want to move forward and get back to the planning board so keep that in mind.

Mr. Carnazza said yes but we don't have to rush it because they do have time to get a submission to the new architect. You can move forward with that if you want but the only issue is he can't move forward until he knows what the signs look like.

Mr. Maxwell asked if they want to come back next month with a visual aid for this board.

Mrs. Tortorella said if we are required too.

Mr. Maxwell said just for the Stop and Shop sign that is the only one we are stuck on right now.

Mr. Carnazza said you would have to advertise the Stop and Shop sign.

Mrs. Tortorella said we would love to bring the sign back without having to come back here if that's at all possible because we are trying to move ahead with the ECB and planning board.

Mr. Maxwell said he thinks it is fair to go down to 300 square feet.

Mr. Schwarz said he concurs and doesn't need to see it.

Mr. Aglietti said I think the sign itself is eggplant purple so it is subdued and not flashing so I can definitely live with 300 square feet.

Mr. Schwarz said maybe we should get some public impact on it.

At which time, Mr. Maxwell asked if anyone in the audience wished to be heard on this application.

Mrs. Cooke was sworn in. She asked how much parking will be added to the back.

Mrs. Tortorella said there is parking back there now; we are not creating an impervious surface in this area it is just going to be properly striped.

Mrs. Cooke said people don't park back there now.

Mrs. Tortorella said that will be reserved mainly for employees.

Mrs. Cooke asked if they will be adding lights.

Mrs. Tortorella said yes there is lighting proposed back there.

Mrs. Cooke asked if the lights shut off once the store shuts down.

Mrs. Tortorella said yes the planning board is looking at that issue with lighting back there.

Mrs. Cooke said well you don't know what time the Stop and Shop will shut down, some of them are 24 hours.

Mrs. Tortorella said this one is not, it will close at midnight.

Mr. Aglietti said that is out of our purview.

Mrs. Cooke said the parking lot is your purview.

Mr. Aglietti said only the striping not the lighting for it.

Mrs. Cooke said right but depending on how many parking spaces there are depends on how many lights there are.

Mr. Maxwell said no not necessarily.

Mr. Aglietti said it is connected but it's not for us to decide, when they have their hearing for the planning board that's when you would bring this up.

Mr. Carnazza said there will be a public hearing for the planning board but we need to get through certain processes before we get to the public hearing.

Mrs. Cooke asked if this has anything to do with the Baldwin Lane side.

Mrs. Tortorella said no that is the planning board.

Mrs. Cooke said I'm just wondering if they are taking down all of those evergreens there.

Mr. Carnazza said that is a planning board issue but no they are not.

Mr. Maxwell asked if anyone else wished to be heard on this application.

Mr. DiTomaso moved to close the public hearing. The motion was seconded by Mrs. Fabiano with all in favor.

Decision of the Board:

The board agreed to vote on each individual variance.

Part A

Mr. Aglietti moved to grant with the following restrictions:

- The canopy signs cannot be illuminated.
- The canopy signs have to be 5' x 1' foot in size and have to be underneath the canopy.
- This approval is subject to the approval of the final site plan by the planning board.

The motion was seconded by Mr. Balzano with all in favor.

Part B

Mrs. Fabiano moved to grant the variance for 3 additional signs (peapod, fast care & pharmacy) subject to site plan approval of the planning board. The motion was seconded by Mr. Balzano with all in favor.

Part C

Mr. Balzano moved to grant the Stop and Shop sign at 300 square feet a variance of 260 square feet and no locker signage provided planning board approval. The motion was seconded by Mr. Aglietti with all in favor.

Part D

Mr. Aglietti moved to grant the variance of 1.8 parking spaces per 1000 square feet gross floor area. The motion was seconded by Mr. DiTomaso with all in favor.

Part E

Mr. Balzano moved to grant the variance of 1ft x 1ft for the parking spaces. The motion was seconded by Mrs. Fabiano with all in favor.

MINUTES - 1/28/2016

Mr. Aglietti moved to accept the minutes of 1/28/2016. The motion was seconded by Schwarz with all in favor.

The meeting was adjourned at 9:28 p.m.

Respectfully submitted,

Rose Trombetta