

# APPROVED

JOHN MAXWELL  
*Chairman*

PHILIP AGLIETTI  
*Vice-Chairman*

## TOWN OF CARMEL ZONING BOARD OF APPEALS



60 McAlpin Avenue  
Mahopac, New York 10541  
Tel. (845) 628-1500  
www.ci.carmel.ny.us

MICHAEL CARNAZZA  
*Director of Code  
Enforcement*

### BOARD MEMBERS

ROSE FABIANO  
SILVIO BALZANO  
WILLIAM ROSSITER  
JOHN STARACE  
JULIE MCKEON

## ZONING BOARD OF APPEALS MINUTES

**JUNE 25, 2020**

**PRESENT: CHAIRMAN: JOHN MAXWELL, VICE-CHAIRMAN: PHILIP AGLIETTI  
SILVIO BALZANO, ROSE FABIANO, JULIE MCKEON & WILLIAM ROSSITER**

\*\*\*\*\*

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Jardine (Longview School)	52.-1-12	1	Dismissed w/o Prejudice
James Maxwell	75.7-3-1	1 - 2	Requested Variance Granted
Adam Stellwagen	86.55-1-12	2 - 3	Requested Variance Granted
Maria Bucalo	63.16-1-69	3 - 5	Requested Variance Granted
Brett Brown & Elsie Russell	64.19-1-85	5 - 6	Requested Variance Granted
Michael Frascone	74.42-1-16	6	Held Over
Katherine & William Hines	64.19-1-38	6 - 7	Requested Variance Granted
Taco Bell/KAI Carmel	55.11-1-3	8 - 15	Variance Granted as Amended
Minutes:	02/27/20	15	Approved as Written

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Dawn Andren

## **HELD OVER APPLICATIONS**

1. Application of **JARDINE (LONGVIEW SCHOOL – CONTRACT VENDEE)** is seeking an Interpretation of Section 156-10F that only 50' of frontage is required because this is an “instance of a cul-de-sac, turnaround or similar case” (emphasis added). In the alternative, applicant seeks an area variance for frontage. The applicant is seeking an Interpretation of Section 156-23 which provides “...for a minimum of 10 parking spaces plus 3 spaces per classroom shall be required for those schools with pupils of elementary and junior high school age. Schools with pupils of a least high school age shall provide at least 20 parking spaces plus 5 per classroom”. Applicant’s history as a private school involves only a handful of high school students who have ever been able to drive to school. The code envisions the higher parking space count for schools that significantly or totally consisting of pupils of high school age. The higher parking requirement is inappropriate herein and inconsistent with Section 156-23. The property is located at 110 Scout Hill Road, Mahopac, NY and is known by Tax Map 52.-1-12.

Code Requires/Allows	Provided	Variance Required
100 ft. Frontage	52.74 ft.	47.26 ft.

Chairman Maxwell indicated that Jardine/Longview School has withdrawn their application.

***Mr. Balzano moved to dismiss the application without prejudice; seconded by Mrs. Fabiano with all in favor.***

## **NEW APPLICATIONS**

2. Application of **JAMES M MAXWELL** for a Variation of Section 156-15 seeking permission to construct shed (no principle use). The property is located at 150 West Lake Blvd., Mahopac, NY and is known as Tax Map #75.7-3-1.

Code Requires/Allows	Provided	Variance Required
Shed as Accessory	Shed (only)	To allow shed w/o principle use

***Chairman Maxwell recused himself from this application.***

- Mr. James M. Maxwell of 35 Kirkwood Road, Mahopac was sworn in.

Vice-Chairman Aglietti read the application page and asked the applicant to tell the Board what he was looking to do.

Mr. Maxwell said I just want to put a shed on the property. I’ve got a lot of stuff that I want to store. Over the years, we have gathered surfboards, skis, ropes and all sorts of stuff. So, our boathouse, which we designed basically to be an inside space, is full of all that stuff. So, we have a spot to put the shed and now we’re looking to get the shed on there.

## **APPROVED**

Vice-Chairman Aglietti said there's no land available for you to purchase to come into conformance of any kind?

Mr. Maxwell responded no; it's a group of small lots. We were originally 3 lots and we're consolidated to 1 now. There's an existing decking in place so I actually had to go up the hill. I'm about 75' of depth from the road but only about 20' is usable. So, I'm really limited in the amount of flat space that I can work on. The only spot that I had that was open was right on the edge of the property.

Vice-Chairman Aglietti opened the application up to the Board for question, comments and concerns of which there were no questions. Vice-Chairman Aglietti then opened this application up to the public for input – also of which there was none.

Mr. Balzano moved to close the public hearing on this application; seconded by Mr. Rossiter with all in favor.

### **Decision of the Board:**

***Mr. Balzano moved to grant the requested variance; seconded by Mr. Rossiter with all in favor. Chairman Maxwell remained recused.***

3. Application of **ADAM STELLWAGEN** for a Variation of Section 156-15 seeking permission to retain existing shed. The property is located at 9 Elm Lane, Mahopac, NY and is known as Tax Map #86.55-1-12.

Code Requires/Allows	Provided	Variance Required
<b>10' Side</b>	<b>2.5'</b>	<b>7.5'</b>
<b>10' Rear</b>	<b>6'</b>	<b>4'</b>

➤ Mr. Stellwagen of 9 Elm Lane, Mahopac was sworn in.

Mr. Stellwagen said I just have a small tufty 4' x 8' shed off to the left of my garage that I've had up for a few years now. I'm just looking to retain it. It's strictly for lawnmower, garden tools and things of that nature.

Chairman Maxwell said I was out there Saturday. It looks like it's well kept and it's tucked in a corner and screened. There's a couple of fences behind it – right?

Mr. Stellwagen said yes; I have my fence behind it and my neighbor's fencing along side of it as well.

Chairman Maxwell said you've talked with all your neighbors?

Mr. Stellwagen said yes; no issues with any of my neighbors. We're all land-locked so.....

Chairman Maxwell obviously they'd be here if they had some concerns. There's no other property you can purchase to bring it into conformance?

**APPROVED**

Mr. Stellwagen said no.

Chairman Maxwell said I'll open it up to the Board for questions, comments and concerns of which there were none and then opened it up to the public for the same with no input.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mr. Starace with all in favor.

**Decision of the Board:**

***Mrs. Fabiano moved to grant the requested variance; seconded by Mr. Starace with all in favor.***

4. Application of **MARIA BUCALO** for a Variation of Section 156-15 seeking permission to retain existing pool storage house and shed. The property is located at 2 Jennifer Lane, Mahopac, NY and is known as Tax Map #63.16-1-69.

Code Requires/Allows	Provided	Variance Required
Rear Yard/Pool House 20'	5.7'	14.3'
Rear Yard/Shed (2) 20'	2.4' & 13'	17.6' & 7'

- Mr. Willy Besharat of 266 Shear Hill Road representing the Bucalos was sworn in.

Mr. Besharat said this is a situation where there is a pool house and it's [been] existing on the property for quite a while. If anybody has been to the property, you'd see that this is an extremely well-maintained property.

Chairman Maxwell said yes; we were out there on Tuesday night. It's beautiful and meticulous.

Mr. Besharat said the pool house is strictly a pool house. There's no plumbing in it. The use is seasonal of course. The shed exists on the corner, tucked away and is screened from the neighbors. They're seeking permission to maintain them as they exist. There are no other properties available to bring this into conformance. Moving them is not really an option considering the use and the way they are without interfering with the septic or the property. The buildings, as they exist, create no negative effect on anybody in the neighborhood. The majority of the neighbors do have.....

Chairman Maxwell said and you said there's no other property available?

Mr. Besharat said both properties on both sides are already occupied.

Chairman Maxwell said it actually looks, on the downhill side there, there is a cleared lot. Is there something being built there.

Mr. Besharat said I don't know but think so; yes. Behind it is a house that I actually renovated years ago and on the right-hand side there's another house.

Chairman Maxwell asked how long the shed and the pool house had been there.

## **APPROVED**

Mr. Besharat said a long time; I've known the Bucalos for at least 20 years and this has existed there.

Chairman Maxwell said and they just didn't know they needed.....

Mr. Besharat said no; whoever built it for them didn't know any better. They came from the Bronx; they settled up here with a brand-new house. I think the swimming pool was built with a building permit and is legal. Everything else was taken for granted that it's part of what they built for them. They had no idea what the proper process is. Thankfully, it didn't create an [issue] for anybody in the neighborhood. They really belong where they are.

Chairman Maxwell said I agree. It's well-kept and grandiose.

Mrs. Fabiano said I didn't see a sign out front. I kept looking for it but didn't see it.

Mr. Besharat said we had it there and somehow, it disappeared. This was supposed to be on the agenda right before the Covid-19 hit and the meetings got cancelled. It was there for quite a while before it disappeared.

Mrs. Fabiano asked why is this coming up now.

Mr. Besharat said they're going through refinancing.

Mrs. Fabiano said and if we condition it that there will be no plumbing, they're okay with that?

Mr. Besharat said yes; but there really is no use for plumbing. It's seasonal and to put plumbing in there, it's not effective.

Mr. Carnazza asked what is inside there right now.

Mr. Besharat said just an open room.

Mr. Carnazza said no kitchen, no stove, no sink?

Mr. Besharat said no; it's strictly open space that they use. In the winter time, they store all the furniture in there from the poolside.

Mrs. Fabiano said so it will be okay for us to condition that for no plumbing.

Mr. Besharat said I would prefer not to just in case; to leave the option open for them to come in for a building permit and they'd have to go through the Health Department. I don't want to restrict them to that. I don't want to speak on their behalf. If it's really necessary to restrict them to no bathroom, I will restrict it but I would love to give them the option down the road if they ever wanted to do it. Maybe they won't but if they do, it's going to go through the proper channels.

Chairman Maxwell opened up this application to the public for input, questions, comments and concerns of which there were none.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mr. Rossiter with all in favor.

## **APPROVED**

### **Decision of the Board:**

***Vice-Chairman Aglietti moved to grant the requested variance; seconded by Mr. Rossiter with all in favor.***

Mrs. Fabiano asked does anybody have any interest in the plumbing?

Chairman Maxwell said if they want to get it, they'd have to come through the Building Department and Health Department anyway.

Mr. Carnazza said they're only allowed to have a storage building.

Mrs. Fabiano said okay.

5. Application of **BRETT BROWN & ELSIE RUSSELL** for a Variation of Section seeking permission to build a deck on lot without a principle house. The property is located at 152 West Lake Blvd., Mahopac, NY and is known as Tax Map #64.19-1-85.

<b>Code Requires/Allows</b>	<b>Provided</b>	<b>Variance Required</b>
10' Rear	0'	10'
10' Side	1'	9'
10' Side	1' 2"	8' 10"

***Chairman Maxwell recused himself for this application.***

- Mr. Brett Brown of 161 West Lake Blvd. was sworn in.
- Ms. Elsie Russell of 161 West Lake Blvd. was sworn in.

Mr. Brown said we own a lot across the street from our house which is the lot in question. It is currently a lakefront strip that is 23' wide. It's on a slope so we're looking to build a deck on that lot there.

Vice-Chairman Aglietti said and there's no other land that you can buy there to bring everything into conformance?

Mr. Brown said no; it's pretty tight there.

Vice-Chairman Aglietti asked the Board Members for questions and input.

Mr. Starace said I see you have limited access to get down that steep slope. So, the plan looks like there's about 4 landings in there.

Mr. Brown said yes. There are enough landings in there to meet the stair building requirements of not having a solid strip. So, there's a couple landings there to break that up.

Mr. Starace said you can't access that property unless you have it set up that way.

Mr. Brown said yes; that's really the only way to get it. We either borrow our neighbor's or just walk down that dirt slope.

## APPROVED

Mr. Starace said yes; you want to have your own. Are you going to plan on building a structure there in the future?

Mr. Brown said there's really no way to build a structure there with the limited [space]. It's really just for the deck near the lakefront there.

Mr. Starace asked are you removing any large trees.

Mr. Brown said ideally, we would like to remove a couple that are near the bottom. It's a narrow strip so, removing a couple of those at the bottom right now just to get the footings in at that bottom part.

Vice-Chairman Aglietti opened the application up to the public for input, comments and concerns of which there was none.

Mrs. Fabiano moved to close the public hearing on this application; seconded by Mr. Balzano with all in favor.

### **Decision of the Board:**

*Vice-Chairman Aglietti said to Mr. Carnazza: On the notice for number 5, it doesn't have the section number. It's left blank. The application has the section number. Is that something we have to change at all. It's not on the agenda. Chairman Maxwell said as long as it's advertised properly.*

***Mr. Balzano moved to grant the requested variance; seconded by Mr. Rossiter with all in favor. Chairman Maxwell recused himself.***

6. Application of **MICHAEL FRASCONE** for a Variation of Section 156-15 seeking permission to install above-ground pool in front yard with 6' fence. The property is located at 120 Cross Hill Road, Mahopac, NY and is known as Tax Map #74.42-1-16.

Code Requires/Allows	Provided	Variance Required
4' fence	6'	2'
25' front yard	3'	22'

Chairman Maxwell said the applicant had requested a hold over.

***Mr. Balzano moved to hold the application over to July; seconded by Vice-Chairman Aglietti with all in favor.***

7. Application of **KATHERINE & WILLIAM HINES** for a Variation of Section 156-15 seeking permission to add outdoor deck to side of existing home. The property is located at 63 Highland View Road, Mahopac, NY and is known as Tax Map #64.19-1-38.

Code Requires/Allows	Provided	Variance Required
30' Rear	16'	14'

## **APPROVED**

20' Side	11.5"	8.5'
----------	-------	------

➤ Mr. William Hines of 63 Highland View Road was sworn in.

Mr. Hines said I'm here to see if we can get a variance to build a deck on the side of our house.

Chairman Maxwell said we were out there the other night. It looks like it's nestled in a nice corner where there are no houses really around you for the most part. You had it nicely staked out so it really flagged where it was and your property line as well. It's well wooded behind you so I think it naturally calls for a deck at this location. There's no other property you can buy to bring it into conformance.

Mr. Hines replied no; you know the neighborhood there. They're small plots. We bought a couple plots together. Basically, they're all sold. The one behind us is not for sale. So, we have no plots that are a potential sale.

Chairman Maxwell said they're not extreme variances that you're looking for – less than 50% so I'm good there.

Mr. Starace said it looks well designed.

Chairman Maxwell then opened up this application to the public for input, comments and concerns.

➤ Ms. Mary White of 55 Highland View Road was sworn in.

Ms. White said we have no problem at all. I'm happy that they're putting their deck in.

Chairman Maxwell said and you're the neighbor on the immediate left?

Ms. White said yes.

Mr. Hines said we've been neighbors about 33 years so it's really nice and this will give us a nice outdoor spot. We have letters from our other two neighbors also – on the side and across the street.

Chairman Maxwell said why don't you submit that for the record and we'll put it in the file.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mr. Rossiter with all in favor.

### **Decision of the Board:**

***Mr. Balzano moved to grant the requested variance; seconded by Mrs. Fabiano with all in favor.***



**APPROVED**

8. Application of **TACO BELL/KAI CARMEL** for a Variation of Section 156-41 seeking permission to erect wall signs and two (2) freestanding signs. The property is located at 1081 Stoneleigh Avenue, Carmel NY and is known as Tax Map #55.11-1-3.

Code Requires/Allows	Provided	Variance Required
Wall Sign: 40 sf	70 sf	30 sf
Freestanding: 16 sf	102 sf	86 sf
1 Freestanding Sign	2	To allow 2 <sup>nd</sup> freestanding sign

- Mr. James Polinsky of Signs Ink residing at 63 Briar Lane, Crompond representing Taco Bell was sworn in.
- Mr. Steve Chester of Signs Ink residing at 3255 Crompond Rd, Yorktown Heights representing Taco Bell was sworn in.

Mr. Polinsky said we're here tonight for Taco Bell at 1081 Stoneleigh Avenue, Carmel. It's right behind the McDonald's that is there. We're looking for a 30-sf variance for the wall signs and an 86-sf variance for the freestanding signs. There are two freestanding signs. One is actually visible from the road and one is the menu board that's behind the building that you can't see from the road but we're still counting that as a freestanding sign.

Chairman Maxwell asked so it's on its own post.

Mr. Polinsky said it's on its own post. We have plenty of photos showing what the neighbors have as far as McDonalds, Wendy's, KFC. It's actually the same board that KFC has.

Mr. Chester (not at mic) said this first board shows you the planned traffic flow to the right.

Mr. Polinsky said there's only one way in and out and you'll be going around the building.

Mr. Chester (referring to board) so you go in, here's the board - place your order, drive around and pick it up over here and then come out this way.

Mr. Starace asked can you point out the sign on that rendition.

Mr. Chester said the pole sign is right here. We have one wall sign over here, another wall sign here.

Mr. Polinsky (holding another board up) said this is what the building is going to look like. This view, you'll see from Stoneleigh Avenue. This is going to be the Taco Bell sign on the left and there's going to be a future tenant on the right-hand side. Their sign is 14 square foot accounted for in the variance that we're looking for.

Chairman Maxwell said so that's being included?

Mr. Polinsky said that's being included - yes.

Chairman Maxwell said it's the total square footage?

## **APPROVED**

Mr. Carnazza said no; you could subtract that off of the total because each establishment is entitled to 40 square feet.

Mr. Polinsky said okay; perfect. That's not going to change anything that we're trying to do anyway.

Chairman Maxwell said so that wall sign is still going to be 70 square feet?

Mr. Polinsky said no; it'll be 56 square feet. Then we're looking for a 16 square foot variance if we're allowed 40 square feet.

Chairman Maxwell said alright. Then we have to amend your application here because for the wall, it requires 40 sf and you're asking for 70 sf with a variance of 30 sf required. So now, it's different.

Mr. Carnazza said required 40-sf; 56-sf provided; 16-sf variance required.

Chairman Maxwell said this has 70-sf provided because they were counting the other sign.

Mr. Polinsky said we were counting the tenant sign in that.

Mr. Carnazza asked did you count the bell in that; you made a rectangle?

Mr. Polinsky answered yes.

Chairman Maxwell said you're asking for 56-sf for the wall sign. The later tenant can contend with that at a later time.

Mr. Carnazza said yes; and if they need a variance, then they can come back to your Board at that time but it's not even determined who it's going to be yet.

*The application was changed and initialed.*

Mr. Polinsky said just one other thing: The owner of the building is the owner of the Taco Bell so that's why they're taking precedent and saying, in the future, if we do have a tenant, they're stuck with the 14 square foot [sign]. When we get to it, there's also a spot on the freestanding sign as well.

Chairman Maxwell said I had a question mark here too – what's this blank space for?

Mr. Polinsky said that's for a future tenant.

Chairman Maxwell said so you're giving them less space than the Taco Bell portion.

Mr. Polinsky said correct.

Mrs. Fabiano asked do you need [the word] "breakfast" on there?

Mr. Polinsky said that's what they want. Here's the existing Taco Bell in Danbury and they also have breakfast on the bottom.

## **APPROVED**

Chairman Maxwell said I think it's something new for Taco Bell or at least in recent years so that's probably why they want to make sure that it's known. We do this to everybody just to help minimize the amount of variance that you need. Is there any way that this freestanding sign can come down? You're looking for a big, big variance here. For every applicant that has come through this Board before went through the same process and nine out of ten, that I can remember, reduced their numbers to a certain degree.

Mr. Polinsky said we're trying to keep within the property. McDonald's right across the street has their freestanding sign at 200 square feet.

Mr. Chester said that includes the bottom menu.

Mr. Polinsky said that includes the bottom menu board.

Mr. Chester said just so you know the one in the front is 110 [square feet].

Mr. Polinsky said their other sign is a very small sign that's on the building. So, this is the only visibility that they're getting from Route 6. It's going to be their main sign. The other sign that you see on the stonework there is a pretty small sign - compared. This is what they're fighting for and this is what they're basing all the traffic to be seeing this main sign.

Chairman Maxwell said (to Mr. Carnazza) does that sound about right? McDonalds' sign is that big?

Mr. Carnazza said the difference with McDonalds is they're on two roads though so there's a little bit of a difference here but it is similar.

Mrs. Fabiano asked is this double sided or is it one sided.

Mr. Carnazza said double sided.

Vice-Chairman Aglietti said what is the size of the Danbury sign.

Mr. Chester said it's like what we're asking for.

Mr. Polinsky said the variance that we're asking for - the 86 square foot variance - that includes the menu board in the rear of the building.

Mr. Chester said the sign in the front is only 50 [square feet].

Mr. Polinsky said I'm sorry I didn't state that clearly.

Mr. Balzano said don't both sides count?

Mr. Chester said no; it's 50 on each side.

Mr. Carnazza said so you're at 100 square feet.

Mrs. Fabiano said so it's 50 on each side plus the tenant so it's more than 100.

Mr. Chester said it's 50 and 44.

## **APPROVED**

Mr. Carnazza said it's 100.

Chairman Maxwell said so is that a part of it or not.

Mr. Chester said according to Mr. Carnazza, it doesn't count.

Vice-Chairman Aglietti said no; on the building, it doesn't count.

Mr. Carnazza said both sides of a freestanding count.

Mr. Chester said even with the tenant that's not there yet?

Mr. Carnazza said both sides count.

Mr. Balzano said he's talking about the blank part at the bottom.

Mr. Carnazza said no.

Vice-Chairman Aglietti said it's going to be a white spot until he puts....

Mr. Carnazza said he said he's not putting that up. If he puts the box there, then yes.

Chairman Maxwell said the Taco Bell logo and the Taco Bell wording with breakfast is only 50 square feet is?

Mr. Chester said 50.

Mrs. Fabiano said on each side – 100 total.

Mr. Polinsky said McDonalds is 200 square feet.

Vice-Chairman Aglietti said don't worry about McDonalds; they're not here. Taco Bell is here.

Mrs. Fabiano said plus the menu.

Mr. Polinsky said plus the menu.

Mrs. Fabiano said which is another how much?

Mr. Polinsky said 44.

Mrs. Fabiano said so you're talking about 144.

Chairman Maxwell said (to Mr. Carnazza) so this application is wrong as well.

Mr. Carnazza said menu boards we don't count. That's not a sign; that's a menu board. That's not something to attract your eye and get you to go there. That's something that's in the back or on the side of the building. It's not something that's used as a sign. It's used as something for you to see. The 102-sf is what I thought was the freestanding sign – two sided.

Chairman Maxwell said so that's double, basically.....

## **APPROVED**

Mr. Carnazza said 100' is what they're looking for- total number; two sided 50 & 50 is 100. The variance is then 84. 32 is allowed; 100 minus 32 is 68. That's the variance they need.

Mrs. Fabiano asked do we know what size Friendly's had when it was there?

Mr. Carnazza said I have no idea.

Mr. Chester answered 56 on one side.

Mr. Polinsky said two sides.

Mrs. Fabiano said so 56 times two.

Mr. Polinsky said so the Taco Bell is actually a little bit smaller.

Vice-Chairman Aglietti said my question about the Danbury sign that you showed - Is that the same size that you're trying to put up here?

Mr. Polinsky said yes.

Mrs. Fabiano said (to Mr. Carnazza) there would have been a variance for the Friendly's sign. That variance wouldn't carry to the next building?

Mr. Carnazza said they didn't tell us about that so I don't know.

Mr. Chester said it would.

Mr. Carnazza said it would have?

Mrs. Fabiano said that variance would already be in existence.

Mr. Carnazza said (to Mr. Folchetti) but I don't know what the rule was when they put it up either. Could it have changed? I don't know.

Mr. Carnazza then said so if you choose to grant this one, maybe rescind the old one?

Mr. Folchetti said I think it supersedes it anyway because it is a sign variance as opposed to some other type of property.

Chairman Maxwell said and the building's been torn down - right?

Mr. Balzano said yes.

Mr. Carnazza said it's gone.

Chairman Maxwell said so that's gone and the variance is gone.

Mr. Folchetti said you could condition that prior variances are hereby extinguished. Whatever you're.....

Mr. Polinsky said he just wants to do it the right way.

## **APPROVED**

Mr. Folchetti said they're not looking to take advantage of whatever the prior waivers were from.....

Chairman Maxwell said we've got it.

Mr. Folchetti said and that would make it clearer.

Chairman Maxwell said now I'm a little more satisfied since the numbers are different than what was being asked for here. I'll open it up to the Board.

Mr. Starace said just to try and understand this rendition of the freestanding sign which is 22 feet above the ground level, it looks like it's about, with that small advertisement, 10' from the ground where that sign starts – correct?

Mr. Polinsky said correct.

Mr. Starace said that sign face is perpendicular to the road – right?

Mr. Polinsky said right.

Mr. Starace said and it doesn't rotate? How far is it from the curb or the curb line?

Mr. Chester looked at Mr. Carnazza and said 5 feet?

Mr. Carnazza said it has to be on your property.

Mr. Starace said it just has to be on his property?

Mr. Carnazza said the entire sign has to be on his property; not just the post. He can't hang over into the right of way.

Mr. Starace said right; so the sign ends, you drop the line and it's on his property – not the right of way. So, you're off the shoulder. Is there parking out on that road?

Mr. Carnazza said no.

Mr. Starace said (to Mr. Carnazza) is there a Code for the minimum height of the bottom of the sign?

Mr. Carnazza said 8.

Mr. Starace said will tractor-trailers be able to access the entrance into the Taco Bell?

Mr. Polinsky said I would assume they're going to have to for deliveries and things.

Mr. Chester brought the board closer to Mr. Starace for better viewing.

Mr. Starace said oh; it's wide enough and there's a sidewalk out there.

Mr. Polinsky said the neighboring signs start at 10 feet as well.

Mr. Starace said and that sign is LED lit?

## **APPROVED**

Mr. Polinsky said yes.

Mr. Starace said 24/7?

Mr. Polinsky said probably dusk to dawn.

Mr. Starace asked out of curiosity, what's the wind-load on that?

Mr. Polinsky said it's all engineered; I don't have the chart in front of me.

Mr. Carnazza said 115 Special Wind Reach. You said wind-load; right?

Mr. Starace said yes; wind-load; it looks pretty thin.

Mrs. Fabiano said the sign that's on this column, that's the only variance for the wall that you're talking about which is going to be 56 square feet.

Mr. Polinsky said there are two. One here and one here.

Mrs. Fabiano said one on either side.

Mr. Polinsky said this one is like in the middle and this one is over there to this side.

Mrs. Fabiano said so they're each 28 square feet?

Mr. Polinsky said correct.

Mrs. Fabiano said and then the freestanding sign is the one.....

Mr. Polinsky said you have the building here so you're going to have one sign here, you're going to have one sign over here and the freestanding sign will be out here – away from any trucks or any collisions. The reason they want that is because this is the closest to [Route] 6.

Mrs. Fabiano said as far as the variance for the two freestanding signs, you don't need that anymore. You only need one freestanding sign.

Mr. Carnazza said that's all he's doing.

Mrs. Fabiano said we have 2 on the application.

Mr. Polinsky said that's changed to 1.

Mrs. Fabiano said right; so, it has to be changed on the application.

Mr. Carnazza said just crossed off.

Mr. Balzano said he's saying the menu board doesn't count as a freestanding sign.

Chairman Maxwell said it says the freestanding sign is 50 feet on one side.

Mr. Carnazza said no; the big sign is.

## **APPROVED**

Mr. Polinsky said they're talking about the menu board which we made a mistake and thought it was considered a freestanding sign. It's not.

Mr. Starace said so it's just the one freestanding sign – not two.

Mrs. Fabiano said which means that variance is gone.

Mr. Polinsky said we still need the variance because we're still over.

Mrs. Fabiano said the footage but not the bottom.

Mr. Starace said you're allowed one sign, so you have it.

Mr. Polinsky said correct.

Mr. Starace said that's what we're saying; so, you don't really need that.

*Applicant initialed amended application (bottom variance deleted).*

Chairman Maxwell opened up this application to the public for comments and concerns of which there were none.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mr. Rossiter with all in favor.

### **Decision of the Board:**

***Mr. Rossiter moved to grant the requested variance as amended; seconded by Mrs. Fabiano with all in favor.***

### **MINUTES:**

***Mr. Balzano moved to approve the minutes as written; seconded by Mr. Starace with all in favor.***

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Dawn Andren