

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on *Wednesday, February 19<sup>th</sup>, 2020*. The meeting was called to order, and began with the Pledge of Allegiance.

David S. Douglas, Chairman presided and other members of the Board were in attendance as follows:

Wai Man Chin, Vice Chairman  
Adrian C. Hunte  
Eileen Henry (absent)  
Thomas Walsh  
Frank Franco  
Cristin Jacoby (absent)  
Mr. Chris Beloff

Also Present

Chris Kehoe, Deputy Director for Planning  
Joshua Subin, Assistant Town attorney

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Mr. David Douglas stated I just want to note that Mr. Beloff is our alternate member and he was going to be sitting in for Ms. Henry, so I guess officially he's here for Ms. Henry but it could be for one of the other members too; Ms. Jacoby.

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**ADOPTION OF MEETING MINUTES FOR JANUARY 15, 2020**

So moved, seconded with all in favor saying "aye".

Mr. David Douglas stated the January minutes are adopted.

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**ADJOURNED PUBLIC HEARINGS:**

- A. Case No. 2019 – 13 Application of Elizabeth Holloway of Station Glo of New England**, for the property of Ibrahim Jamil, for an area variance for additional signage at the existing Mobil Gas Station located at 2225 Crompond Road (Route 202).

Mr. Thomas Walsh stated this is my case. I know Lizzie submitted additional calculations that we reviewed and we still have a lot of questions with the existing signage that's there. This property is already over the allowable signage variance. You're already at 161 square feet, 161.7 square feet.

Mr. Chris Kehoe stated that's for the other one.

Mr. Thomas Walsh stated Main Street.

Mr. Chris Kehoe asked are we doing 2225?

Mr. Thomas Walsh stated Crompond Road, sorry. We're at 96.62 square feet and you're permitted as-of-right, it looks like 56 square feet.

Mr. Chris Kehoe stated they're permitted as-of-right for 40 and they received a variance to get them up to 56 but they could have a maximum of 80.

Mr. Thomas Walsh stated so currently, you're already over the allowable variance that we could grant, so it leaves us in a situation where we're trying to figure out how we can get these signage installed or approved for you with the what's existing there and what still needs to be calculated for signage. Because I know Chris if you want to...

Mr. Chris Kehoe stated sure. So Lizzie and I had a bunch of emails and at the end of the email chain she submitted one at the end of January where she came up with 96.62 square feet which would include four pump doors, two canopy logos, the freestanding sign and building signage. And that's how she came up with the 96.62. Based on discussions with the building department and a site visit, and I didn't get this information back to Lizzie, the word "Mobil" on the white portion of the pump is also considered a sign and there would be four of those: two pumps with that Mobil on each sign. And then believe it or not, the garbage can which has the word "Mobil" on it would also be considered a sign.

Mr. Leclerc stated we actually have to remove those with this image. They're not allowed to be there.

Mr. Chris Kehoe stated so that would be good because I did not calculate the square footage of the four Mobil signs on the pump nor did I calculate the garbage can but we won't bother calculating the garbage can but once you add those four signs to the 96.62 square feet, you're

even further above what you can even ask for. The total amount of signage you could have, if the Zoning Board were to grant a hundred percent variance, which there's no guarantee that they would, would be 80 square feet and you're over a 100 with all of the signs that are out there now. And then that doesn't count the blade or the wave sign, I get those two confused, that is the whole purpose of this application. Then one other thing is the violations with respect to all of the outdoor storage of materials has not been cleaned up which I know you're the sign people and I know that the gas station people have received the violation. They're going to receive another violation but that hasn't been cleaned up yet. But I do think given how out of conformity the site is that you might need to talk to the owner or talk to Mobile Corporate, or whoever you do about figuring out if you really want the blade or wave signs what existing signs can be removed from this facility.

Mr. Leclerc stated I guess I'm going to go forward and ask them what's more important: the blade sign or the image on the dispenser itself?

Mr. Chris Kehoe stated and then, this one is interesting because it's a Pegasus, the other gas station is something different, but there are other ways, if you or Lizzie would be willing, and I know Lizzie has already been through this a lot, but if it would be willing to go through a conference call there are some ways to measure that would eliminate – you probably know, negative space which would be eliminated from some of these signs which might be able to get some of the numbers down or eliminate the pump signage totally. There's the four pump signs there. I'm not going to bother switching that around, but there's the food mart sign, that's one that's counted, that's the freestanding sign and then the canopy has the two Mobil signs on it.

Mr. Thomas Walsh asked now, are we taking into consideration the ice – the signage above the ice?

Mr. Chris Kehoe responded I think we sort of left that one alone.

Mr. Thomas Walsh stated because the side of the ice machine and then the top of the ice machine.

Mr. Chris Kehoe stated when we talk with Lizzie – Lizzie and I were going back-and-forth with a lot of these things and it was getting a little burdensome so I think we took a little break, but we need to revisit and she needs to set up a conference call, or you, with the Code Enforcement staff and myself to go over a clear definition. Because what Mr. Walsh is talking about is the word "ice" over the ice machine. I mean we have a broad definition of what is constituted as a sign and we need to talk about that together.

Mr. Leclerc stated absolutely.

Mr. Wai Man Chin stated we're allowed to give one hundred percent but that's the maximum we could give. So if you're permitted 40, we could go only to 80. But right now we're way above

that. So we've got to somehow eliminate some things, see what you've got to do to get it down to below the 80. I don't mind the 80 but we've got to get it below that somehow.

Mr. Leclerc responded okay.

Mr. Chris Kehoe stated and then you can see the outdoor storage is still a problem. I think the board wanted to have this discussion on the record again rather than just having me call and say there's no reason to come to have this discussion, show you exactly – I do believe the issue of the canopy has been resolved. It's not considered a sign, the lighting up whether this one lights up or whether it's the one on Route 6. That is not considered a sign. That was a question last time.

Mr. Leclerc responded because that is something they're looking to do there, so.

Mr. Chris Kehoe stated so that's the better of the two sites.

Mr. David Douglas stated since they are separate ones, why don't we then adjourn this one to next month and hopefully you'll have that conference call sooner rather than later.

Mr. Leclerc responded yes, I'd like to set that before the end of this week, beginning of next week at the latest so we get this taken care of.

Mr. Thomas Walsh asked are there further public comments? Case #2019-13 I make a motion that we adjourn this public hearing until the next public hearing in March which is March 18<sup>th</sup> for a sign variance at 2225 Crompond Road.

Seconded with all in favor saying "aye".

Mr. David Douglas stated case #2019-13 is adjourned until our March meeting.

**B. Case No. 2019-14 Application of Elizabeth Holloway of Station Glo of New England, for the property of GTY NY Leasing, Inc. for an area variance for additional signage at the existing Mobil Gas Station located at 2072 E. Main St. (Route 6).**

Mr. David Douglas stated this is Ms. Henry's case but she's not here tonight and as discussed at our work session Mr. Walsh is going to take the lead with this one as well.

Mr. Thomas Walsh stated again, this is mine. It reflects again the overages on the existing signage there where the existing signage equals 161.7 square feet. Maximum permitted right now is 80. We could grant a variance up to one hundred percent which would give us a 160 square feet. So currently the existing signage is over what we've discussed already on Crompond Road applies here also but there's definitely more signage or more potential signage all the way around

this property. I actually drove through it coming in here today, again, there's ice machines on both the back and the side, the propane tanks, all the exterior sales items. That's been a violation issued by Code Enforcement but then there's also signage above the front door besides the Mobil Mart, there's also the name of the company I guess: it's American GG Mart would be considered signage that wasn't calculated. I know the pumps have the Synergy which we talked about last night that the sign below the pump there might be able to recalculate that just for the wording to grab some additional space there. But, again, I think this falls -- conference call with Code Enforcement, with Chris, to try to figure out exactly what needs to be calculated signage and what can be removed to get you into compliance.

Mr. Chris Kehoe stated this is the same as the 202 but more or less just doubled because there's more pumps. The Mobil sign, there's eight of those that need to be calculated. What we discussed is down here, I'm not exactly sure how that was calculated, whether it was just calculated as a rectangle. It was pointed out that you could draw, in essence, a rectangle around each word maybe. Code Enforcement has to give us some advice but if you wanted to draw around the Mobil or the Synergy, the other sentence, you could eliminate some space there. This has the same outdoor storage issues.

Mr. Wai Man Chin stated the sign above the door if it just had the address without -- then it's an address. That will not calculate in the sign thing.

Mr. Chris Kehoe stated the red sign if it simply says...

Mr. Thomas Walsh stated if you remove the American GG Mart, if it's just an address then it would be allowable as a property address.

Mr. Wai Man Chin stated once you start putting names and this and that it becomes a sign.

Mr. Chris Kehoe stated you have two of the Pegasus signs, maybe one. I don't know but...

Mr. Leclerc responded I believe there's two.

Mr. Chris Kehoe stated right but maybe a solution is to have one rather than two. I don't know.

Mr. Thomas Walsh stated and with this being a corner property they're allowed the additional signage, square feet, that's why I think this one is allowed the 80 square feet compared to the frontage on Locust and also Main Street.

Mr. Chris Kehoe stated that's a good point. We'll confirm whether the 80 takes into account the second frontage.

Mr. Thomas Walsh stated I know we discussed that at the first public hearing we had. Is it one and a half times that they're allowed for the second frontage?

Mr. Chris Kehoe stated but the same idea, we would need the conference call to go over those.

Mr. Leclerc stated that's fine.

Mr. Chris Kehoe stated I don't know how involved you are but both of the owners are going to get a follow up violation which takes it to the next step I believe, with respect to cleaning up the outdoor merchandise.

Mr. Leclerc stated the excessive, yes. As far as the propane tanks and stuff though, signage on that is generally more safety signage than anything on those. I don't know. As far as ice machines, we can paint those pure white. That's not a problem. Nobody knows those are ice machines.

Mr. Thomas Walsh stated something to be clarified from Code Enforcement.

Mr. Chris Kehoe stated we need to clarify that because there are a lot of ice machines. We need to make sure that the code officials are all on the exact same page about what they're going to enforce throughout the entire town.

Mr. Thomas Walsh stated because as the code is written it's pretty ambiguous what we would consider signage so that's why if we get a clear definition from them. Any other members of public want to comment? I make a motion that we adjourn case #2019-14 to the March 18<sup>th</sup> meeting. This is for 2072 East Main Street for a sign variance.

Seconded with all in favor saying "aye".

Mr. David Douglas stated case #2019-14 is adjourned until March. Thank you.

Mr. [unknown] stated thank you.

**C. Case No. 2016-24 Application of Hudson Ridge Wellness Center, Inc. for an Area Variance from the requirement that a hospital in a residential district must have frontage on a State Road for property located at 2016 Quaker Ridge Road.  
(Adjourned to the March 18, 2020 meeting)**

Mr. David Douglas stated that's adjourned until March. Maybe at the March meeting, I don't know whether – as things stand, that can't go forward, won't go forward at all until the court case is resolved.

Mr. Chris Kehoe stated I'm always anxious to take things off the agenda, but if I get direction then we remove it.

Mr. David Douglas stated in the other application.

Mr. Josh Subin stated it's a nullity at this point.

Mr. David Douglas stated since it's noted it's being adjourned to the March meeting, we'll do that in March. Then I think we'll take it off the agenda after March.

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### **ADJOURNMENT**

Mr. Walsh stated I make a motion we adjourn the March meeting.

Seconded with all in favor saying "aye".

Mr. David Douglas stated the meeting is adjourned.

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**NEXT REGULAR MEETING WEDNESDAY, MARCH 18, 2020**