

## ZONING BOARD OF APPEALS FACT SHEET

ZBA Member Assigned: **Hunte**

CASE NO.: 2021-6

Name of Applicant: **AJ Signs – Hagen Dazs**  
Owner: **Cortlandt Town Center, LLC**  
Address of property: **3131 E. Main St.**  
SBL: **Section 24.10 Block 1 Lot 3**  
Prior ZBA Case No.: **13-11**  
Zone: **CD**  
Lot Size: **39.67 acres**

**Requests:** Sign Ordinance Chapter 245 Attachment 2 Table 2 – Business Wall Signs permitted in Commercial and Industrial Districts for sites with multiple tenants. Front elevation signage permitted is 46 sq. ft., 72 sq. ft. proposed.

**Staff Comments:**

The office of Code Administration and Enforcement received an application for a sign permit on 3/18/2021 for a business wall sign for the front elevation of the proposed Hagen Dazs store. The Office of Code Administration and Enforcement denied the request on 4/1/2021.

<u>PERMITTED</u>	<u>PROPOSED</u>	<u>VARIANCE</u>	<u>PERCENT</u>
46 sq. ft.	72 sq.ft.	26 sq. ft.	56%

**SEQR: TYPE II – No further compliance required**



**TOWN OF CORTLANDT**  
**DEPARTMENT OF TECHNICAL SERVICES**  
**CODE ENFORCEMENT DIVISION**

**Michael Preziosi, P.E.**  
*Director – D.O.T.S*

**Martin G. Rogers, P.E.**  
*Director of Code*  
*Enforcement / D.O.T.S.*

**Ken Hoch**  
*Assistant to the Director / D.O.T.S.*

Town Hall, 1 Heady Street  
Cortlandt Manor, NY 10567  
Main #: 914-734-1010  
Fax #: 914-293-0991

**Town Supervisor**  
Linda D. Puglisi

**Town Board**  
Richard H. Becker  
Debra A. Costello  
James F. Creighton  
Francis X. Farrell

April 1, 2021

Re: Haagen-Dazs sign permit application  
3131 E Main St.  
Tax ID 24.10-1-3

AJ Signs  
842 Saratoga Rd.  
Burnt Hills, NY 12021

I am in receipt of your Building Permit Application received March 18, 2021 for a business wall sign on the front facade at the above referenced premises.

I must deny this request under the following chapter of the Town of Cortlandt Zoning Code: Ch. 245 Attachment 2. Request for a variance from the Code is required. The allowed signage is 46 sf and your proposed sign is 72 sf.

Zoning Board of Appeals application form and the short EAF Form shall be completed and returned to the Division of Code Enforcement with ten (10) copies of the plans and \$200.00 Zoning Board of Appeals application fee. If the application is deemed complete the project will then be placed on the agenda for the next available Zoning Board of Appeals meeting.

Additional information may be required upon subsequent reviews. Technical comments for the submission may be issued separately. If you have any questions or comments please feel free to contact me by email or at 914-734-1010.

Sincerely,

**Ken Hoch**  
Assistant to the Director  
Department of Technical Services

Cc: Chris Kehoe

Case No. 2021-6  
Date: 4/20/21

8200 Chaucer  
31466  
Hute

**TOWN OF CORTLANDT**  
DEPARTMENT OF TECHNICAL SERVICES  
Planning Division  
Town Hall, 1 Heady Street, Cortlandt Manor, NY 10567  
914-734-1080  
[www.townofcortlandt.com](http://www.townofcortlandt.com)  
[chrisk@townofcortlandt.com](mailto:chrisk@townofcortlandt.com)

**ZONING BOARD OF APPEALS APPLICATION**

**Site Data:**

Section 24.10 Block 1 Lot 3 Zone: C1

Street Address: 3137 E. Main St

Project Description: Haagen Dazs Wall Sign

Circumstances of particular application:

We are seeking 26 sq ft of relief from sign code 245 attachment 2. The proposal will allow Haagen Dazs a 72 sq ft sign where 46 sq feet is allowed.

Application is hereby made for the following Variance, Interpretation and/or Special Permit under the Town Code:

Chapter: 245 Section: \_\_\_\_\_ Chapter: \_\_\_\_\_ Section: \_\_\_\_\_

Is adjacent property in the same ownership? Yes \_\_\_\_\_ No \_\_\_\_\_

Does any officer/employee of the Town of Cortlandt have any interest in this application as defined in the General Municipal Law Section 809? Yes \_\_\_\_\_ No X If yes, attach a sheet describing the nature and extent of that interest.

**Applicant:**

Name: AJ Signs  
Address: 842 Saratoga Rd Burnt Hills NY 12027  
Phone: 518-399-9291 Mobile: 518-331-3344

**Owner:**

Name: Cortlandt Town Center LLC  
Address: PO Box 460169 Houston TX 77056  
Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

**Lessee:**

Name: Haagen Dazs/ Andrew Hammerling  
Address: 3137 E. Main St Mohegan Lake NY  
Phone: 646-206-0337 Mobile: \_\_\_\_\_

**Architect/ Engineer/ Surveyor:**

Name: Murdoch Engineering  
Address: 2 Hummingbird Ct Howell NJ  
Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

**Attorney:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Confirmation All Taxes Paid: \_\_\_\_\_

Date: \_\_\_\_\_

**Authorization:**

State of New York, County of Saratoga, Carl Wheeler being duly sworn deposes and says he/she is the owner, or authorized representative by attached completed proxy statement, and is duly authorized to perform or have performed said work and to make and file this application: that all statements are true and to the best of their knowledge and belief, and that he/she has read the foregoing appeal and knows the contents thereof.

Sworn to before me this 11th day of April, 2021

Owner or Authorized Representative Signature: \_\_\_\_\_

Print Name: Carl Wheeler

Notary Public: \_\_\_\_\_

KRISTEN MACLEOD  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01MA6341719  
Qualified in Schenectady County  
My Commission Expires 05-09-2024

To: The Town of Cortlandt Zoning Board of Appeals

RE: Haagen Dazs wall sign

The attached application seeks area variance relief from Chapter 245 Attachment 2 of the Town of Cortlandt Zoning Law, relating to the proposed signage for Haagen Dazs at 3137 E. Main St in the Cortlandt Town Center. As demonstrated below, it is our belief that the benefit to the tenant of the property greatly outweighs any perceived detriment to health, safety and welfare of this particular area should the requested area variance relief be granted.

We therefore ask the Board to consider the following relative to the legal standard applicable to the variance relief sought:

1. Whether and undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will occur:

The property is situated within the CD Commercial Zoning District. Within a commercial district, it is in the public's interest for signage to be visible and informative, particularly when visitors/ customers are automobile-oriented. As proposed, the signage is of a reasonable size particularly due to Haagen Dazs location within the plaza. The ice cream shop is located in the back corner of the plaza sandwiched between two larger sections of the plaza. For the signage to be visible and legible to motorists and pedestrians within the mall and also traveling from East Main the signage would need to be larger than the 46 sq ft. allowed by code. The larger sign will be consistent with the aesthetics of the surrounding neighborhood and area, as well as the signage on other commercial properties in the plaza. The proposed signage has been designed to identify the ice cream establishment without being a distraction. Moreover, the proposed signage will not only enhance the aesthetic appearance of the building, but it will, draw patrons and motorists to this underutilized corner of the plaza where the establishment resides. As a result, the signage will not negatively affect the commercial character of the neighborhood and will arguably enhance rather than diminish the value of this corner, which the new tenants are attempting to revitalize and bring new business to.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible to the applicant to pursue other than a variance.

The building is set back from East Main approximately 600 feet, due to the physical characteristics of the property. Therefore, the proximity of the ice cream shop to East Main Street cannot be altered or reduced. To ensure visibility of Haagen Dazs, signage the proposed larger size is necessary for maximum legibility. The sign must be of sufficient size to clearly distinguish and identify Haagen Dazs and must be visible at a safe distance by drivers on East Main and on the plaza drive. Haagen Dazs does not have any other feasible alternative available to achieve store identification and visibility other than larger signage. Furthermore, as noted above, the size and scale of the proposed signage is consistent with the surrounding commercial area, the large scale of the plaza structure, and existing signage advertising other commercial properties in the surrounding area. In addition to ensuring visibility of the Haagen Dazs, the proposed signage will serve to promote public safety and mitigate traffic concerns by clearly providing customers direction to the site and facilitating on site traffic. There is no viable option available to the applicant other than to increase the sign's size to meet the functional needs of the sign.

3. Whether the requested variance is substantial.

The 26sq feet of relief requested is not substantial given its location of the ice cream shop and the approximate 600' distance of the signage from East Main. As proposed, the relief sought represents an increase of approximately 26 sq ft. above that, which is allowed by the Zoning Law. It our assertion that the relief sought is minimal in nature. The benefit to be gained by an increase of 26 sq ft. in the size of the proposed signage, whether from a traffic and public safety or economic perspective, far outweighs any detriment that may be realized if the terms of the Zoning Law are strictly applied. There is no benefit to be realized by the public if the relief sought is denied and the installation of sufficiently clear signage that is visible and legible at a safe distance by drivers on East Main and Cortlandt town center is prevented.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

The proposed wall signage will not adversely affect the physical or environmental conditions in the surrounding neighborhood or the plaza. Cortlandt Town Center is the location of a number of commercial structures and businesses, and associated identification signs. The signage proposed for the Haagen Dazs is of reasonable size and is consistent with the size, scope and purpose of existing signage in the surrounding area. Moreover, the proposed signage has been designed to complement the aesthetic appearance of the building and to be visually pleasing to the public. Granting the relief sought will be beneficial not only to the neighborhood as a whole, but is believed to enhance rather than diminish the value and physical conditions of back corner of the plaza. The signage is visually inert and not distracting in anyway, and, because it uses the latest in LED lighting technology, the signs are environmentally friendly limiting the amount of light emitted. The installation of smaller signage that complies with the Town's Zoning Law, will likely result in customers being unable to find their location as they travel from East Main and on-site; such impacts are directly contrary to the intent of signage regulations and would not negatively affect the physical and/ or environmental conditions of the area.

5. Whether the alleged difficulty was self-created.

Although it may be asserted that the alleged difficulty is self-created, the relief sought is a function of the physical features of the property and site development limitations, as well as the size and nature of the permitted ice cream shop. As noted above, the ice cream shop is set back from East Main about 600 feet and in a location that is visually difficult to find. The proposed signage is of reasonable size a large-scale commercial retail building, and is consistent with the commercial character of the surrounding area and signage on other commercial properties situated in close proximity to the ice cream shop. To fulfill the intended functionality, the signs installed must be of sufficient size to clearly distinguish Haagen Dazs and, to mitigate traffic concerns and eliminate confusion must be discernable at a safe distance by drivers on East Main.



1: 1,125



Map produced by: user

187.5 0 93.75 187.5 Feet

Disclaimer: "The information contained in this data is NOT to be construed as a 'legal description'/. The Town and its consultants do NOT provide any guarantee of accuracy or completeness and will NOT be held liable for any damages or losses due to its use."



Town of Cortlandt

Legend

- Parcels
- Road Labels

Notes







**SIGN TYPE: EX. 1 | FACE LIT INDIVIDUAL LETTERS**

FACE LIT TRIMLESS LETTERS MOUNTED TO BACKER PANEL

FACE LIT LETTERS TO BE 3" THICK WITH WHITE PLEXIGLAS FACE AND TRIMLESS RETURNS TO BE WHITE

BACKER PANEL TO BE ALUMINUM WITH 1/2" TURNBACK PAINTED BURGUNDY PMS 7421

LETTERS TO BE MOUNTED FLUSH TO BACKER PANEL

LETTERS TO BE INTERNALLY ILLUMINATED WITH WHITE LED'S

POWER SUPPLY TO BE REMOTE

● ALUMINUM PAINTED PMS 7421

○ ALUMINUM PAINTED WHITE

Letters:

SOFT 26

SOFT 72

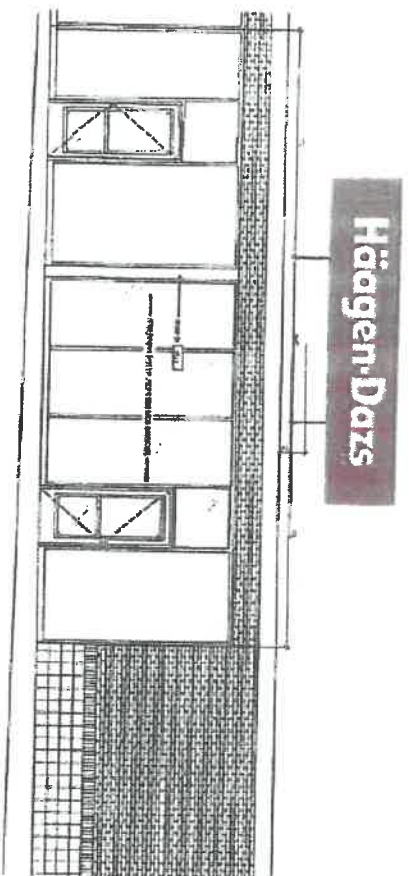
Backer:



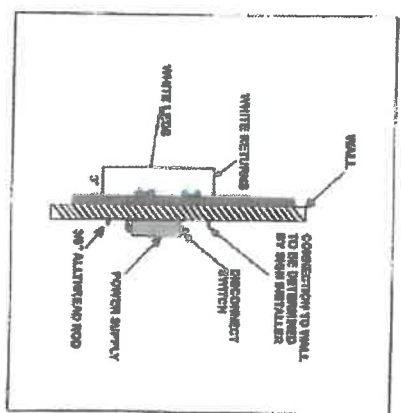
**EXTERIOR**

1 CARTOUCHE LOGO  
SCALE: NTS  
QTY 3

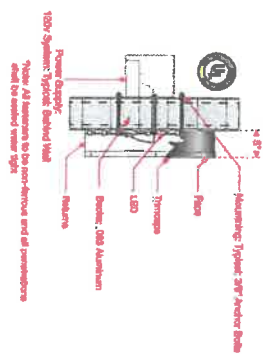
45" 11.6" Linear Frontage



2 EXTERIOR ELEVATION  
SCALE: NTS



**SIDE VIEW**



## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Haagen Daz Wall signage			
Project Location (describe, and attach a location map): 3137 E Main St Mohegan Lake NY			
Brief Description of Proposed Action: Installation of a 72 square foot wall sign for Haagen Daz.			
Name of Applicant or Sponsor: AJ Sign Co		Telephone: 5183999291	
		E-Mail: Kristen@ajsigs.com	
Address: 92 Charlton Rd			
City/PO: Burnt Hills		State: NY	Zip Code: 12027
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		31.5 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		31.5 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: \_\_\_\_\_ Date: 4/16/21  
 Signature: Car Wheeler

Z O N I N G   B O A R D   O F   A P P E A L S

Town of Cortlandt  
Westchester County, New York

D E C I S I O N   &   O R D E R

Name of Petitioner: **Mobile Grafx Sign Co. on behalf of Payless  
Shoesource**

Case No. **13-11**

Address: **3137 E Main St. (Cortlandt Town Center) Mohegan Lake, NY**

Nature of Petition:

Use Variance       Area Variance       280A Exception  
 Special Permit       Interpretation

Describe Specific Request: **Area Variances for the size of the front  
and side wall sign.**

Board Members

Present: **David Douglas  
Wai Man Chin  
Charles Heady, Jr.  
Adrian C. Hunte  
Ray Reber  
James Seirmarco**

Absent: **John Mattis**

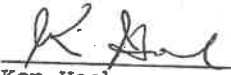
The above-referred to Petition, having been duly advertised in The Croton Cortlandt Gazette, the official newspaper of the Town of Cortlandt in the issue published on 5/11/11, Town Board Resolution No. 153-88 having been complied with and the matter having duly come to be heard before a duly convened meeting of the Board on the following date 5/19/11, at the Town Hall, 1 Heady Street, Cortlandt Manor, New York, and all of the facts, matters and evidence produced by the Petitioner, by the administrative official and by interested parties having been duly heard, received and considered, and a site inspection of the premises having been made, and due deliberation having been had, the following Decision and Order is hereby made:


**The applicant is hereby granted an Area Variance for an illuminated front wall sign from a required 25 square feet up to 40.9 square feet; and an Area Variance for an illuminated side wall sign from a required 12.5 square feet up to 18.2 square feet**

**This is a Type II Action under SEQOR, the Interpretation of an existing rule or code.**

NOW THEREFORE, Petition is granted and it is further ordered that in all other respects Petitioner comply with all of the rules, regulations and ordinances of the Town of Cortlandt and all other agencies having jurisdiction.

Adopted: May 19, 2011  
Cortlandt Manor, New York  
Date filed: May 24, 2011

  
Ken Hoch  
Clerk, Zoning Board

  
David Douglas  
Chairman, Zoning Board