



**Mr. DePalma**: Sure.

**Mr. Keegan**: You know we were at your property last Sunday and it appeared to me, at that time, that this deck came out to about here currently (pointing at map).

**Mr. DePalma**: Correct.

**Mr. Keegan**: So you are going to cut this deck back then?

**Mr. DePalma**: We are going to cut it back...

**Mr. Keegan**: Just too basically a landing and a staircase and then the deck is going to be down here?

**Mr. DePalma**: Correct.

**Mr. Keegan**: And this deck is going to stay open; it's not going to be enclosed?

**Mr. DePalma**: This area is going to be a walk-down steps.

**Mr. Keegan**: No, but I mean is the deck itself will not be enclosed?

**Mr. DePalma**: No.

**Mr. Keegan**: Okay so you are cutting this back basically to a landing and a staircase and the deck will remain open.

**Mr. DePalma**: Correct.

**Mr. Keegan**: Thank you.

**Mr. Vasti**: Is there a reason why you want such a substantially large deck considering that you provided 6 feet and now you are going out a required 35 feet; you are only providing 6 feet. So that is substantial in size.

**Mr. DePalma**: As far as the lower deck?

**Mr. Vasti**: Yes.

**Mr. DePalma**: We have fair amount of property in the backyard and I just want to try and maximize the amount of property we have in our backyard – get use out of the yard. With the previous deck we wouldn't really get much use out of the space we have available.

**Mr. Vasti**: Did you submit plans to the Building Department for the new design?

**Mr. DePalma**: Yes, the plans were submitted to the Building Department.

**Mr. Vasti**: Okay, thank you very much.

**Mr. Sheehan**: Just to let the Board know, the upper deck was not part of application since it meets the requirements; just the lower deck. The reason the lower deck was a foot or less above grade, or if it was a patio, they wouldn't need a variance and the setback would be 5 foot.

**Mr. Vasti**: Thank you Mr. Sheehan.

**Mr. Fox:** What is the elevation of the larger portion of the deck; not with the stairs, the lower portion?

**Mr. DePalma:** The lower portion?

**Mr. Fox:** The elevation?

**Mr. DePalma:** The lower portion should be roughly 3 feet off the ground – 2 to 3 feet.

**Chairman Wright:** And there is no intention to enclose that?

**Mr. DePalma:** No. Honestly, I don't understand what you mean by enclosed?

**Mr. Sheehan:** What they mean by enclosing it - are you putting a room on it?

**Mr. DePalma:** No, not at all.

**Mr. Casscles:** Not in the future?

**Mr. DePalma:** No.

**Chairman Wright:** Any other questions for the applicant?

**The Zoning Board:** No.

**Chairman Wright:** I will take a motion to close the Public Hearing.

**\*\*\*MOTION:** Mr. Vasti made a motion to close the Public Hearing; seconded by Mr. Fox. Hearing all in favor; the motion was carried.

**Chairman Wright:** The next item on the agenda is the request of the Goldsmith Family Trust, Stuart.

**Request of Goldsmith Family Trust, Stuart – App. #13-04**

A variance from the requirements of the Town of Stony Point Zoning Code:

Chapter 215, Article IX, Section 215-52 B-2: Installing more than one sign on building; Permitted one sign installing 2 signs;

Chapter 215, Article IX, Section 215-52 B-3: Vertical height permitted 2.5 feet; provided 7.5 feet;

located at 150-176 South Liberty Drive, Stony Point, New York, for Aldi signs on building.

**Section 20.04                      Block 11                      Lot 1                      Zone BU**

**\*\*\*MOTION:** Mr. Morlang made a motion to open the Public Hearing; seconded by Mr. Vasti. Hearing all in favor; the motion was carried.

**Chairman Wright:** Is there an applicant here from the Goldsmith Family Trust?

**Unidentified Male:** There is.

**Chairman Wright:** Can you please state your name?

**SEAN M. DIXON – lawyer for the applicant  
374 Hillside Avenue  
Williston Park, New York**

**Chairman Wright:** Can you just give us some background on the rationale behind the request?

**Mr. Dixon:** Certainly. With respect to the prescription against installing more than one sign on the façade or the building, in light of certain site conditions that exist in particular, the setback which is pretty significant from South Liberty Drive together with the square footage of the west elevation which is the façade that does face South Liberty Drive, it is our position that one sign would essentially be swallowed up or consumed by such a large surface area to the west elevation. I bring to the Board's attention, not as a sense of entitlement, but to demonstrate that the character of the community would not be compromised by installing more than one sign.

I bring to the Board's attention three major stores; that is Shop Rite, which does presently have 9 signs on their façade, Walgreen's which possesses 3 signs, and CVS which possesses 2 signs per elevation. Again, I am just bringing to the Board's attention that's merely consistent with the character of this community based on our request to install 2 signs.

With respect to the second request which violates the prescription against the vertical head of the sign being 2.5 feet, as the Board is fully aware we are seeking 7.5 feet - for similar circumstances, that being the significant setback from South Liberty Drive together with the large amount of square footage that makes up the west elevation. Also, to demonstrate again, I believe Shop Rite, they have 2 circular corporate insignias or company logos which are on the left and the right; or the north and the south end of their particular parcel, which based on a casual observation I certainly didn't pull the permit I believe to be similar in height. Based on those reasons we think that the application as proposed is reasonable.

**Chairman Wright:** Any questions?

**Mr. Casscles:** The pylon sign out by the road...

**Mr. Dixon:** Yes.

**Mr. Casscles:** Is it going to be 2-sided?

**Mr. Dixon:** That...

**Mr. Sheehan:** Yes.

**Mr. Dixon:** Previously a permit was issued on that.

**Mr. Sheehan:** But, it doesn't require a variance.

**Mr. Casscles:** Excuse me?

**Mr. Sheehan:** That doesn't require a variance.

**Mr. Casscles:** That one doesn't require a variance because they are changing the height on that one too?

**Mr. Sheehan:** No.

**Mr. Dixon:** It was just refurbished.

**Chairman Wright:** So just real quick – let me do this. Mr. Sheehan why don't you identify yourself so at least we have it on there when we are going through some of these questions and we have it in the transcript.

**Mr. Sheehan**

**Chairman Wright:** And you are the...

**Mr. Sheehan:** The Building Inspector.

**Chairman Wright:** Thank you.

**Mr. Vasti:** Well – either of the signs or is the existing sign illuminated?

**Mr. Dixon:** At present there is no existing sign on the façade.

**Mr. Vasti:** Okay, do you plan to illuminate the signs?

**Mr. Dixon:** Both of which will be illuminated.

**Mr. Vasti:** Okay, do you plan to illuminate them for the entire evening or do you plan to have a timer on them that the illumination is shut off at a specific hour?

**Mr. Dixon:** We intend to keep the illumination or the signs illuminated during the operational hours of the business – perhaps till 10:30 – 11:00 at night. Those specifics have not been discussed with my client, but I believe that to be a reasonable accommodation.

**Mr. Vasti:** Just so you know, the signs on Shop Rite are illuminated for a specific period of time and then they are turned off in consideration for the neighbors in the area.

**Mr. Dixon:** Certainly.

**Mr. Vasti:** So that may be something you may want to consider. Obviously that is not the purview of the Board here, but that would be a concern for the community.

**Mr. Dixon:** My client would certainly be amenable to keeping it illuminated for a reasonable amount of time so as not to disturb the local community.

**Chairman Wright:** Are you aware of any other signage, it may not be part of yours, I am just curious, are you aware that any other signs maybe put up by some of these other tenants. I'm not sure what the relationship is. Do you own the whole building or is it just the one area?

**Mr. Dixon:** The one area is the last 97 linear feet from...as of right now I do not believe that center parcel has been occupied or in between Aldi and the Rite Aid Pharmacy I believe it is still vacant.

**Chairman Wright:** So you don't own any of...you are only talking about the property on the, I guess, the northern most portion?

**Mr. Dixon:** The landlord does own the entire parcel.

**Chairman Wright:** And yours is just for the sign?

**Mr. Dixon:** Just for that particular parcel. I represent Aldi Supermarkets; not the landlord. However, we did get the landlords permission to proceed forward with this application.

**Chairman Wright**: So, Dave, just real quick is there anything that we would need from the owner of the property then for this?

**Mr. MacCartney**: I think you have it. I would believe that you would need their written permission, signed permission, to proceed and I am sure it is part of the application.

**Mr. Sheehan**: We have their permission.

**Mr. MacCartney**: It appears that you have it – William Goldsmith has sworn and provided an affidavit of ownership and appears to have consented to the application.

**Mr. Vasti**: Can you describe the material that the sign will be composed of and can you talk a little bit about the style of the sign?

**Mr. Dixon**: The style of the sign, with respect to the center portion which reads and identifies the fact that it is a food market are simple channel letters which are illuminated from the back as is typical with most storefronts. With respect to the corporate logo which is on the south portion of that particular parcel, is also illuminated from the back and is comprised of the same material as the channel letter.

**Mr. Vasti**: The illumination will be constant or is it going to twinkle? Is it going to have psychedelic effects?

**Mr. Dixon**: Certainly not. Nothing that's intermittent. Something that is consistent. It will constantly illuminate for the hours which are reasonable. As we discussed, just the letters and corporate logo – no flashing or anything of that nature.

**Mr. MacCartney**: Just so I understand – is the application, I am looking at it here, the one is the Aldi sign on the tower and the other is the food market sign across the front?

**Mr. Dixon**: That's correct.

**Mr. MacCartney**: Understood – thank you.

**Mr. Fox**: There is no plan for the north side of that – is that a window on that elevation, the front elevation?

**Mr. Dixon**: As of right now based on my prior dealings with this particular client, they would of moved forward and done a combination application. It is my understanding that they are not going forward with any plans.

**Mr. Fox**: There is nothing going there at this time?

**Mr. Dixon**: That is correct.

**Mr. Casscles**: On the food market sign, are they going to be individual letters or is it going to be one complete sign?

**Mr. Dixon**: I believe the make-up of it is that there is a steel or some sort of foundation for which each letter is affixed to and it does go up as one piece rather than each individual letter.

**Mr. Casscles**: Because I know – the Aldi sign you are showing florescent lighting behind it, but that one there they are just going to put neon on each letter?

**Mr. Dixon**: That is correct – excuse me LED.

**Mr. Casscles**: LED.

**Mr. MacCartney:** The vertical height variance is required for the Aldi sign on the tower – correct?

**Mr. Dixon:** Solely the Aldi sign.

**Chairman Wright:** Are there any other questions? I don't see anybody else in the audience who might want to step forward, so with that I will take a motion to close the Public Hearing.

**Mr. Vasti:** I am just a little curious, Mr. Chairman – it says request. I don't believe this is a Public Hearing. Isn't this just to get this on the agenda?

**Chairman Wright:** No, this is a Public Hearing.

**Mr. Vasti:** For both of them. Oh both of them are Public Hearings?

**Mr. MacCartney:** We accepted them at the last meeting and made it as a Public Hearing.

**Mr. Vasti:** Okay, thank you.

**\*\*\*MOTION:** Mr. Keegan made a motion to close the Public Hearing; seconded by Mr. Vasti. Hearing all in favor; the motion was carried.

**Mr. Dixon:** Thank you Mr. Chairman.

**Chairman Wright:** The other item on the agenda is accepting the minutes of the last meeting.

**\*\*\*MOTION:** Mr. Casscles made a motion to accept the minutes of April 18, 2013; seconded by Mr. Fox. Hearing all in favor; the motion was carried.

**\*\*\*MOTION:** Mr. Morlang made a motion at 7:17 PM to go into Executive Session, pending litigation; seconded by Mr. Fox. Hearing all in favor; the motion was carried.

**Mr. MacCartney:** Please let the record reflect before you go into Executive Session, that it's not Executive Session in a matter that I am involved in. I will be recusing myself from that Executive Session.

**Chairman Wright:** So noted.

**\*\*\*MOTION:** Mr. Vasti made a motion at 9:11 PM to reconvene to regular Zoning Board of Appeals meeting; seconded by Mr. Keegan. Hearing all in favor; the motion was carried.

**\*\*\*MOTION:** Mr. Fox made a motion to adjourn the meeting of May 2, 2013; seconded by Mr. Casscles. Hearing all in favor; the motion was carried.

Respectfully submitted,

Kathleen Kivlehan  
Secretary  
Zoning Board of Appeals