

Village of Fishkill
Zoning Board of Appeals Meeting
April 23, 2009 – 7:30 p.m.

Anthony Ruggiero: Chairman opens the meeting at 7:30 p.m. Those present: Anthony Ruggiero, Cathy Ann Nicholson, Mary Brockway, Tom Newhard, Angelo Ferrara, Village Board Trustee, Sarah Brown, Village Planner, Tom VanTine, Building Inspector, and Don Van Nostrand, Secretary. Absent: Gerry DiLoreto.

Anthony Ruggiero: We have the minutes from the last meeting held on March 26, 2009. I will entertain a motion to accept or make any corrections to the minutes.

Cathy Ann Nicholson: I make a motion to accept the minutes for March 26th. Motion seconded by Mary Brockway. Is there any discussion on the motion? No. All in favor? Aye. Any opposed? No. Motion carried.

Anthony Ruggiero: We have a public hearing tonight for the Vanikiotis Reality Group for the Century Diner on Route 9. Let the record reflect that the applicant has met all the requirements for advertising and submitted all of the green cards notifying the adjoining property owners of the public hearing.

Jennifer VanTuyl: Good evening everyone. My name is Jennifer VanTuyl of Cuddy and Feder Law Firm and we are here tonight for a public hearing on several variances dealing with the Vanikiotis property. All of the proof of publications and notices has been filed with the zoning office. Our variances fall into two categories, signage and coverage. I think the most exciting thing we can show you tonight is that we do have proposed final elevations of the diner that were finished in time for the last planning board meeting which was on April 2nd. You may remember when we were here the last time that the diner had a modernistic look and the planning board was not too fond of it. We decided to go a little bit more classical with our diner architecture and as you can see from these large drawings the diner has been modified to be more of a 1940 classic style diner. The consensus of the planning board was more fitting with the Village design rather than a little bit more modernistic.

Jennifer described in detail the changes made to the design and pointed out where the signage would be on the site.

Jennifer VanTuyl: The first thing we are asking for is a little bit more square footage of signage. The code allows 100 square feet and we are asking for 107.69 feet. That is a little less than what we were asking for when we were here when the public hearing was set. If you remember when you asked us to push the Century down so it did not stick up over the roof the size of the sign had to be reduced so it would not run into the door. By doing this the sign is a little smaller and the square footage is a little less than originally requested. This sign is 49.2 square feet, the two logos each of which are 12.5 square feet and the last bit of signage which we asked for are the two bands of neon that wrap around the roof. You can probably see it more clearly on your sign handouts.

Todd Lanthier of GNS Signs demonstrated to the Board a model of the neon lighting and how it would appear on the diner. A discussion followed on the brightness of the lighting and where it would be located on the building and how it would be attached. The color of the lighting would be red which would match the color of the stainless steel diner and red trim.

Anthony Ruggiero: We are reviewing the neon lighting has two signs. So, the seven signs are the Century, the Diner, the big CD, the two logos and the two neon bands. Is that correct?

Jennifer VanTuyl: Yes, that is correct. There are 7.69 extra square feet of area. We will need a variance for signage on the back of the building since there is an

entrance and the Village code says all the signage has to go on the front of the building. So, we will need a variance to allow the logo on the back and on the side of the building. If there are no further questions on the signage we can move on to the lot coverage. I have an aerial view of the site. (Jennifer showed the board a large aerial photograph of the site pointing out the retention pond, adjoining properties, and service road on the backside of the lot.) When you look at the coverage on this building it is not out of line with the coverage of the other parcels in the area. The coverage variance is requested because the Village has a very low and strict coverage requirement. We are not pushing the envelope with the building size. Your code allows 30 percent building coverage on a lot and we only have 10.5 percent so we are way below the size of a building that would be allowed on the lot. In the Town of Fishkill across the street has 70 percent coverage where you require 50 percent. In other parts of the town like below Route 84 the Town has 75 percent coverage on a commercial zone. Town of Wappingers also has 75 percent coverage in a commercial zone. I think that the variance we are requesting is not out of line with what is developed around it. It is not like we are putting this in the center of the Village. I will now have Tom Deput cover the site plan drawings.

Tom Deput covered the site plan drawing pointing out the retention pond on the back of the property and the paved parking lot area which is 74.9 percent lot coverage.

Anthony Ruggiero: Let the record show that at this public hearing that there is no one in attendance other than the applicants and there were no public comments. Is there a motion to close the public hearing?

Tom Newhard makes a motion that the public hearing be closed. Cathy Ann Nicholson seconded the motion. Any discussion? None. All in favor? Aye. Opposed? None. Motion carried.

Anthony Ruggiero: Before we make a motion on the variance, Sarah, where to we stand on SEQR?

Sarah Brown: This is an unlisted action under SEQR and the Board will need to declare a negative declaration.

Anthony Ruggiero: Okay, I will entertain a motion on the variance.

Tom Newhard: I make the motion that we grant the variance for maximum lot coverage from 60% to 74.9% and that is an increase of 14.9%. Cathy Ann Nicholson seconded the motion. Any discussion? None. All in favor? Aye. Opposed? None. Motion carried.

Anthony Ruggiero: Is there a motion for the other variances?

Tom Newhard: I make a motion for the number of building mounted signs from the requirement of one to a proposed seven signs which means six additional signs including the neon lighting. I would like to put in a stipulation that the Planning Board regulate the amount of illumines or lights permitted from the two neon strips. Also, that the Planning Board approves the landscaping around the pole mounted sign on Route 9. Motion seconded by Mary Brockway. Any discussion? None. All in favor? Aye, Opposed? None. Motion carried.

Anthony Ruggiero: Are there any other motions?

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Tom Newhard: I make a motion to grant a variance for the building mounted signage with a requirement of 100 square foot to a proposed 107.69 square feet for a total variance of 7.69 square feet. One CD logo will be on the north side, the front will be Century Diner and CD logo and the rear of the building which would face East would be CD logo and then the two bands of neon around the building are two separate signs. Cathy Ann Nicholson seconded the motion. Any further discussion? None. All in favor? Aye. Opposed? None.

Anthony Ruggiero: The last thing we need do is a SEQR determination and that the Board deems that it is an unlisted action.

Cathy Ann Nicholson: I make a motion that the Board deems this as an unlisted action under a negative declaration with regard to SEQR. Motion seconded by Mary Brockway. Any further discussion? None. All in favor? Aye. Opposed? None. Motion carried.

Jennifer VanTuyt: The public hearing before the Planning Board is scheduled for May 7th and if any of you are interested in attending you are welcome to come. We will incorporate the lighting plan in our presentation. I thank the Board very much for their time in moving this project forward.

Angelo Ferrara updated the Board on the progress being made by the Comprehensive Plan Committee. He also informed the Board of work being done on reviewing the escrow account procedures for the Planning/Zoning Boards.

Anthony Ruggiero: That is all the agenda items we have tonight. Is there a motion to close the meeting?

Cathy Nicholson: I make a motion to close the meeting. Motion seconded by Mary Brockway. All in favor? Aye. Motion carried.

Respectfully submitted,

Don Van Nostrand
Zoning Board Secretary