

Village of Fishkill
Zoning Board of Appeals Meeting
July 30, 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, Mary Pearse, Tom VanTine, Building Inspector, and Don Van Nostrand, Secretary. Absent: Gerry DiLoreto.

Anthony Ruggiero: I would like to welcome our new member and alternate Mary Pearse to the Zoning Board. We have the minutes from the last meeting held on June 25, 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 June 25th. Motion seconded by Mary Brockway. Is there any discussion on the motion? No. All in favor? Aye. Any opposed? No. Motion carried.

Anthony Ruggiero: I would like to open the public hearing for Fishkill Route 52 LLC located at 1004 Main Street. Let the record show that the public hearing was legally advertised in the Poughkeepsie Journal and that all the green cards have been received for the legal notices to the neighboring properties. We have two requested variances, the size of the sign and the 20 foot setback from the property line. Would the applicant please come forward and identify yourself for the record.

Representing Fishkill Route 52 LLC is Ozzie Beichert of Timely Signs.

Ozzie Biechert: You should all have a copy of the sign attached to the application we are proposing. There is day time rendition as well as a night time rendition. On the night time rendition the bottom is illuminated and the top is not. The colors in the picture are what we are proposing. There are two signs in adjacent plazas, Cecilwood Plaza and Fishkill Village Square. The adjacent plaza has a sign which is 72 square feet and we are asking for 56 square feet. The Cecilwood Plaza sign across the street is 47 square feet.

Anthony Ruggiero: Just out of curiosity, when you measured the Cecilwood sign did you measure it from spindle to spindle or just the sign?

Ozzie Beichert: I measured just the sign.

Anthony Ruggiero: So, in theory just to get a perspective if you measured from spindle to spindle you would probably get 50 to 52 square feet or approximately about the size you are looking for.

Ozzie Biechert: Yes, you are probably right.

Anthony Ruggiero: So, for the Cecilwood sign it is probably about the size of the sign we would be looking at.

Ozzie Beichert: On the size the tenants have asked to be included on the directory. I know there are some comments from the Dutchess County Planning Board and St Lukes is here and they would like to be listed on this sign as a tenant. It is very important for the Urgent Care sign be listed.

Mary Brockway: Would St Lukes Urgent Care be one of the large tenant spaces?

Ozzie Beichert: Yes, they would be in the large spaces on the sign. And basically that is what we are asking for.

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Representatives from St Lukes Urgent Care Center were present and spoke in favor of the sign stating that this would give them more visibility to the community.

Ozzie Beichert: The landlord's intent is to give the tenants a chance to put their name on the sign but they all have to conform to the same color and type. In comparison to the other adjoining plaza signs this is a much better sign. The Dutchess County Planning Board in their letter to the board recognizes the fact that this is a vast improvement to the Main Street of Fishkill.

A discussion on whether logos would be allowed on the sign and St Lukes Urgent Care would be the only business allowed to use their logo.

Anthony Ruggiero: One of my concerns is having the sign abut right up against the light pole. If you are going to spend the money to erect a new sign it seems a little ridiculous to put it right up against the pole.

Ozzie Biechert: I am asking for the minimum 10 foot various and I am hoping that the landlord would pay the money to move the pole back a few feet that I need.

Anthony Ruggiero: Before we go any further I would like to bring up that this is a public hearing and I am opening it to the public if anyone would like to make a comment.

Anthony Parzuzzo: I represent Excel Urgent Care and we are very excited about the opportunities here in Fishkill. We are providing services to the community and we are in favor of the signage. We know that people know that we are in Fishkill but do not know exactly where we are located.

Mary Brockway: If you simply have the major tenants there would you need such a large sign? Is the sign this large because of all the tenants listed?

Ozzie Biechert: Yes, the sign itself with the two major tenants and the smaller tenant panels is 30 square feet. That is allowed by code. The 26 feet we are asking for is the ornament on top which is not illuminated which identifies the plaza. That is what we are looking for. The landlord would like to put the tenants on the sign.

Tom Newhard: I make a motion that we close the public hearing for Main Street Plaza. Cathy Ann Nicholson seconded the motion. Any discussion? None. All in favor? Aye. Opposed? None. Motion carried.

Anthony Ruggiero: The public hearing is closed. Is there any further questions or discussion?

The board had a lengthy discussion on the size of the sign and the distance to the light pole.

Tom Newhard: Would the applicant be willing to postpone or adjourn the meeting and come back again with an alternative design?

Ozzie Beichert: I can not make any decision for the client.

Anthony Ruggiero: We can adjourn until next month if you would like to talk to your client before a decision is made. I think you understand the board's concern.

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Ozzie Beichert: I understand the concerns. Let me ask these two questions before I approach my client? Does anyone have a problem with the 10 foot setback variance? The response was no. Secondly, is it your intent to get rid of all the small spaces on the sign?

Mary Brockway: I think that the two large signs should be on the sign. Period.

Ozzie Beichert: I would like the board to be so kind to vote on the setback variance. If the board gets what you want and the landlord agrees to it then the sign will be conforming to code and I will go directly to the planning board. This will save a step in the process if the owner brings the size down to where it conforms to code. Does this make sense to the board?

Anthony Ruggiero: So, procedurally we would have to reopen the public hearing for the size variance and keep the setback variance closed. We could separate the two variance request and make a separate motion. Is the board comfortable in doing that?

The response was yes from all board members.

Anthony Ruggiero: Okay, I will need a motion to reopen the public hearing and adjourn it the following meeting.

Cathy Ann Nicholson: I make a motion to reopen the public hearing for the square footage variance until the next meeting. Motion seconded by Mary Brockway. Is there any further discussion? None. All in favor? Aye. Opposed? None. Motion carried.

Anthony Ruggiero: Now, is there a motion on the setback? First we would need a SEQR motion and then a motion on the 10 foot setback.

Cathy Ann Nicholson: I make a motion that the 10 foot setback is being an unlisted action and it is a negative declaration. Motion seconded by Mary Brockway. Is there any further discussion? None. All in favor? Aye. Opposed? None. Motion carried.

Anthony Ruggiero: Okay, next motion?

Cathy Ann Nicholson: I make a motion that a 10 foot setback be granted from the property line based on the survey map presented at tonight's meeting. Motion is seconded by Mary Brockway. Is there any further discussion? None. All in favor? Aye. Motion carried.

Anthony Ruggiero: Ozzie, please keep in contact with Tom and Don on the progress and what is decided by the owner.

Ozzie: Okay, we will figure it out and let you know.

Mary Brockway and Cathy Ann Nicholson briefed the board on the training session they attended on sustainable living in the Mid Hudson Valley.

Angelo Ferraro updated the board on the comprehensive plan progress and the status of zoning updates to the plan. He also announced that all Village meetings will now start at 7:00 pm which would include the planning and zoning boards.

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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 Tom Newhard. All in favor? Aye. Motion carried.

Respectfully submitted,

Don Van Nostrand
Zoning Board Secretary