

Village of Fishkill
Zoning Board of Appeals Meeting
March 26, 2009 – 7:30 p.m.

Anthony Ruggiero: Chairman opens the meeting at 7:30 p.m. Those present: Anthony Ruggiero, Gerry DiLoreto, Cathy Ann Nicholson, Mary Brockway, Tom Newhard, John Lange from FP Clark Associates, Tom VanTine, Building Inspector, and Don Van Nostrand, Secretary.

Anthony Ruggiero: Before we get started, the last meeting this Board held was on March 27, 2008 and can I have a motion to approve the minutes for that meeting.

Mary Brockway: I make a motion to accept the minutes. Gerry Diloreto seconded the motion. Is there any discussion on the motion? No. All in favor? Aye. Any opposed? No.

Anthony Ruggiero: Tonight's application is for a number of variances for the Vanikiotis Reality Group on Route 9.

Jennifer VanTuyl: We are happy to be here tonight and with me is Tom Depuy our project engineer, Barbara Fitzgerald from D&S Sign Company and Anthony Morano who is an associate with my firm Cuddy and Feder who has been working on the application. Our project is a diner and as you can see from the application the proposed name is Century Diner. The applicant is the Vanikiotis family who is a Dutchess County family who operates a number of diners in the area. They operate the Daily Planet Diner in Lagrange, the Palace Diner in the Town of Poughkeepsie, and Barnaby's, a restaurant in New Paltz. The proposed diner is really in the classic diner style and the designer is actually Darabole which is the last of the classic diner companies still in business. I have learned a lot about diners recently and I have talked about a few of these old classic books of diners. This is a very interesting book on diners in New York and there is a lot of information on diners built by the darabole company. Just to let you know where we are now, we have been before the Planning Board at the beginning of this month. We were told that if we can respond to the engineering questions by the April 2nd meeting the Planning Board would schedule a public hearing. We believe we have answered those questions on the storm water prevention plan which Tom Depuy has submitted to Larry Paggi. We are hopeful that the Planning Board will be scheduling the public hearing at the April 2nd meeting. There has been talk about scheduling the public hearing for April the 16th but we are going to suggest that maybe it makes more sense to have the meeting on May 7th. Hopefully, it will allow this board to agree schedule its public hearing and allow us to take care of the technical notice requirement that we will need for both applications. We are here for basically two kinds of variances, the first is for a lot coverage variance and the second is a group of variances relating to signage. We are asking for permitted lot coverage of 74.9% where your code permits 60%. Just to be clear about that we are proposing at the planning boards request to have 8 parking spaces in the back that we are proposing to leave green. As long as those spaces are green our coverage is actually 73% and not 74.9%. Our building is not pushing the envelope at the size at all, your code allows a 30% building coverage and we only have a 10.5 % coverage which is exactly the same building coverage as Cracker Barrel. We are well under the maximum size of the building.

Anthony Ruggiero: Are you in compliance with the number of parking spaces required?

Jennifer VanTuyl: A matter of fact the planning board very creatively found that we had two extra spaces in our plan. We do not have excess parking at all and we are within the code.

Anthony Ruggiero: The coverage is due to what?

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Jennifer VanTuyl: To be candid the Villages paved lot coverage requirement is exceedingly harsh in light of all the other requirements of 30% coverage. Wappingers, Town of Fishkill, Town of Poughkeepsie all of those towns provide for 75% coverage in their Route 9 business zones. Fishkill just across the street has one section which is zoned at 70% but the other Route 9 zones which are 75%. This kind of makes sense and I think that is why there have been a number of total paved coverage variances. I think our reason for submitting to you the variance we requested is not unreasonable and our lot fits in with everything around it. We are keeping the green space between the buildings and along Route 9 as well as along the back of the property.

Tom Depuy presented to the Board the site plan showing the entrances and exits to the site as well as the traffic flow on the site. He pointed out how the storm water would be handled on the site and the retention pond in the back of the site.

Anthony Ruggiero: I know it has been awhile but have the lots been split and the sub division with the lot lines actually occurred?

Jennifer VanTuyl: The lots are sub divided now but there is an application to realign the lot lines between the two lots to be exactly the same size. As it stands now one lot is a little larger than the other one. That application is now before the Planning Board. It turned out that there was a joint public hearing with Rite Aid so when Rite Aid withdrew its application it died so we have reinstated that application. We believe the Planning Board will schedule the lot line realignment at the same public hearing in May.

Jennifer VanTuyl discussed the sign requirements and brought up the fact that there would be a narrow band of neon lights that would be part of the signage around the top of the building.

A discussion followed on the pylon sign and location as well as the placement of the building signs and directional signs.

Jennifer VanTuyl: The signage code for the Village of Fishkill allows 100 square feet of signage for this application and we are asking for 110 square feet which includes the two round logos on the side of the building. The area variance that we are requesting is relatively minor in terms of scale. The real variance we are requesting is the rule that says that all the signage should be on one side of the building facing the major street giving access to the property. When we first submitted the application in the fall all the signage was on the front of the building but the Vankiotis' decided that it made more sense to spread the signage out a little bit. So, we are asking for the neon lights to go around the other side of the building and be granted a variance. We are also asking for the two round logos to be allowed on the sides of the building.

Tom Newhard: Is the neon lights going to be considered one sign or four signs since it is going to be on all sides of the building?

Jennifer VanTuyl: I do not think you have to treat it as separate signs but you do need give a variance for anything that is not on the front of the building. You would have to give a variance that there would be neon on the side, that there would be neon on the back. I think that we are asking for the variance for the requirement that you can only have signage on the front of the building. I do not think that constitutes separate signs.

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Anthony Ruggiero: The square footage that we are looking at includes all four sides?

Jennifer VanTuyt: Yes, that is correct.

John Lange of FP Clark discussed with the Board the zoning regulations for the district and the interpretation of signage regulation on whether the neon lights are considered one sign or four signs.

Mary Brockway: While we are on the topic of neon signs, what is the brightness of the neon band?

Barbara Fitzgerald: The colored neon is not as bright as the white light and is much more subtle. Also, with these lights the brightness can be adjusted.

Jennifer VanTuyt: Mary we will address your concern at the public hearing. We will bring a display to show how it will actually look.

Anthony Ruggiero: If there is no further discussion is there a motion to set up a public hearing?

Cathy Nicholson: I make a motion to hold a public hearing on April 23, 2009 at 7:30pm for the Vanikiotis Realty Group. Mary Brockway seconded the motion. Any discussion on the motion? None. All in favor? Aye. All opposed? None. Motion carried.

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