

MINUTES
VILLAGE of ARDSLEY
ZONING BOARD of APPEALS
REGULAR MEETING
WEDNESDAY, APRIL 26, 2023

PRESENT: Michael Wiskind, Chair
Dr. June Archer
Mort David

1) Call to Order

The Chair called the regular meeting to order at 8:03 pm.

2) Announcements and Approval of Minutes

Announcements

The Chair announced that the next meeting of the Zoning Board of Appeals is scheduled for Wednesday, May 24, 2023, at 8:00 pm.

Approval of Minutes

Dr. Archer moved, and Mr. David seconded, the approval of the Minutes of the Zoning Board of Appeals meeting of March 22, 2023.

Vote: 3 in favor, 0 opposed, 0 abstaining, as follows:

Michael Wiskind, Chair – Aye
Dr. June Archer – Aye
Mort David – Aye

3) Continuation of Public Hearing on Variance Application

NJ Energy Realty LLC

891 Saw Mill River Road, Ardsley, New York

Section 6.10, Block 1, Lot 3, in a B-2 Special Business District

For Proposed Installation of New Double-Sided Signs in the front yard of the premises, where Freestanding Signs are not permitted in the non-residential zone.

(Village Code § 200-82C)

Present: Michael Wiskind, Chair
Dr. June Archer
Mort David

Also Present: Sharif Jamal, Director of Brand Development, CPD Group

The Chair announced that this is a continuation of a Public Hearing for proposed installation of new double-sided signs on the premises where free-standing signs are not permitted in the non-residential zone.

The Chair stated that the Board had received a revised proposal. The Chair noted that this Public Hearing was opened on December 28, 2022, and was adjourned at subsequent meetings until tonight.

The Chair asked about the green cards, which had not been provided at the December 2022 meeting. Mr. Jamal advised that they had subsequently sent the return receipt “green cards” to Ms. Macedo at the Village offices.

The Chair advised that only three members of the Board were present, that three is the number required for quorum, which permits them to have the meeting, and that therefore any decision to approve the requested variance would require unanimity of all three members present. Mr. Jamal stated that he understood.

Mr. Jamal explained that the proposal is to replace the existing sign with a sign that is similar, but that would replace the existing double poles with a single pole. Mr. Jamal noted that they would have utilized the existing double poles, but that as they do not have engineered drawings of the footings or the existing poles, they are not able to determine if the existing poles can withstand the correct wind load, as previously requested by the Board. Mr. Jamal stated that they therefore are utilizing this new design that they use in their other stores, that is the Exxon-Mobil standard. Mr. Jamal also reassured the Board that if this design is approved, they will be able to provide all the engineering drawings.

Mr. Jamal added that the Building Inspector had advised them that it was possible to obtain approval contingent upon the engineering plans being submitted afterward.

The Chair noted that in between meetings, he permitted the applicant to come back to the Board without the final engineer drawings because of the cost of producing those drawings, with the understanding that any approvals would be subject to the submission of approved engineer drawings to the Building Inspector.

Mr. Jamal added that it is not difficult to obtain engineer drawings, only that they want to first make sure that the Board would accept this design [before going to that expense].

The Chair asked if the size of the proposed single pole is twelve inches, and Mr. Jamal confirmed that it is twelve inches square.

The Chair asked about illumination, noting that the topic had been addressed in an email. Mr. Jamal stated that the sign would be illuminated only during operating hours. Mr. Jamal stated that he was not sure if the store would be open from 6:00am to 10:00pm or 11:00pm. The Chair referred to an email that had stated that the operating hours would be 6:00am to 10:00pm, and Mr. Jamal concurred.

Mr. Jamal opined that the proposed sign is a nicer design than the existing sign. Mr. Jamal pointed out the gap between the panel with the name “Mobil” and the panel with the price on the existing sign. Mr. Jamal stated that he is not sure what happened before his time, that it used to be a Gulf station, and that they could find neither images of the Gulf sign nor prior approvals for the Gulf sign. Mr. Jamal stated that the Village informed him that they did not know if they would be able to produce those earlier Gulf sign approvals, and suggested that it would be easier to move forward with a new plan. Mr. Jamal suggested that the new sign will be an improvement, that the new design will look better and that the colors and digits will look better. Mr. Jamal added that the sign will represent their brand, “Chestnut Market,” and that they hope eventually to remodel [the building] and have a very nice convenience store there.

Mr. David stated for the record that at this matter’s initial meeting, he had challenged the validity of the [notarization of one of the documents submitted with the application], but found that his objections were legally incorrect. The Chair explained that there had been a question about whether the Notary Public [license] must be issued in the same County [in which the signature is notarized], and that the Building Inspector had confirmed that this was not required.

Mr. David reminded everyone that at the last meeting on this matter, Mr. Del Grosso had said that he wanted a guarantee that the sign would withstand winds of at least 60 mph. Mr. Jamal stated that this would be shown on the engineering drawings, that the sign is designed to hold that wind load, and that the sign will fit within the wind load standard required by the New York or the Universal Building Code. Mr. Jamal stated that he believes that he has the engineering drawings for their sign in Yonkers, but the Chair advised that the Village's Building Inspector is the authority on wind load. Mr. Jamal stated that they are very "up" on wind load, that they do not want the sign falling over or causing any accidents or injuries, and that this sign will stand the test of time.

The Chair pointed out that the sign that was originally there before the middle panel was removed was seventy square feet, and that after the middle panel was removed the sign was forty-eight square feet, but that what is now proposed is eighty-three square feet. Mr. Jamal stated that the [increased size] was to accommodate the Synergy panel, which is required by Exxon-Mobil, and two-tier pricing, as New York State requires that both the cash and credit prices be displayed. Mr. Jamal suggested that they could try to get the Synergy panel shrunk down.

The Chair noted that although the total height of the proposed sign is two inches shorter than the existing sign, the existing sign begins fourteen feet above ground whereas the proposed sign begins approximately nine feet nine inches above the ground. The Chair suggested that the lower the sign is to the ground, the less visible it is to drivers and therefore less useful to the applicant. Mr. Jamal stated that nine feet is still significant, as it is almost as high as a basketball [hoop]. Mr. Jamal also stated that this is a sign that Exxon-Mobil uses nationally and that it fits within a standard eyesight line to produce positive results of the sign being effective.

The Chair stated that the size differential is troubling, and pointed out that both the existing and previous pricing signs have a larger panel (for the cash price) and a smaller panel (for the credit price). Mr. Jamal stated that the industry standard is to move away from that in all Exxon-Mobil's signs, that they want it to be streamlined consistently within the brand, so they no longer authorize that. The Chair pointed out that on the Yonkers sign, of which applicant had provided a photo, the Synergy panel is much narrower. Mr. Jamal stated that he had suggested getting a narrower panel for the Synergy panel, which would help reduce the square footage. Mr. Jamal then also suggested that they revise the digits in the pricing signs from twelve inches [high] to ten inches, which will reduce the size of each pricing panel slightly. Mr. Jamal added that twelve inches is the most effective [size], but that ten inches is acceptable within the brand standard. The Chair pointed out that there are no other gas stations right near this location, so they are not trying to stand out from a competing station next door that a customer might choose, which would make the size of

the pricing panel less significant. Mr. Jamal stated that there is much competition in the village. The Chair countered that the competition is not in the sight line, with which Mr. Jamal agreed.

Mr. David inquired about the importance of having “Synergy” on the sign. Mr. Jamal stated that it is the fuel brand that Exxon-Mobil created for use at both Exxon and Mobil branded stations. Mr. David suggested that [omitting the Synergy panel] would be an effective way of reducing the size of the sign. Mr. Jamal agreed, but pointed out that reducing the size of the Synergy panel and reducing the size of the digits will achieve a significant size reduction.

Mr. Jamal asked for a target number for square footage. The Chair stated that at the prior meeting the Board had indicated a strong preference that the proposed sign should not exceed the square footage that the pre-existing sign had been when the middle panel was there, which would yield a target of approximately seventy square feet. Mr. Jamal stated that by making the suggested changes, they can get closer to the desired square footage, and asked if they can attempt to reduce the panels as suggested. The Chair pointed out that the proposed Synergy panel seems to be more than three feet high, while the Synergy panel on the Yonkers gas station seems to be less than two feet high. Mr. Jamal stated that the Synergy panel as now proposed is thirty-five inches high. Mr. Jamal suggested that if he can get the Synergy panel down to a two-foot-high panel, and that if he reduces the height of the digits, it will take at least two inches off each [of the four] panels, it will save eight inches of height on the four price panels and twelve inches [Sic: eleven inches] of height off the Synergy panel, for a total height difference of twenty inches [Sic: nineteen inches], which would be multiplied by the three foot [Sic: six foot] width of the panels. The Chair said that this would reduce the square footage by roughly nine square feet, and Mr. Jamal stated that this would put them within five feet of the original sign, and the Chair said that the result would be a hair under seventy-five square feet. Mr. Jamal asked if the sign would be acceptable if they could get to that size. The Chair polled the Board. Dr. Archer said that it would be better. Mr. David asked if the proposed sign would be a significant change in size from the pre-existing sign. The Chair advised that it would increase the square footage from approximately seventy square feet to approximately seventy-five square feet, that it would be one pole instead of two, and that the total height would be a bit less.

The Chair noted that no members of the public were present to speak in support of or in opposition to the application.

Dr. Archer moved, and Mr. David seconded, that the Zoning Board of Appeals close the Public Hearing.

Vote: 3 in favor, 0 opposed, 0 abstaining, as follows:

Michael Wiskind, Chair –	Aye
Dr. June Archer –	Aye
Mort David –	Aye

Close Public Hearing

The Chair advised that the consensus of the Board members present was that the variance application would be viewed favorably, subject to the submission of engineering drawings acceptable to the Village Building Inspector and reducing the size of the proposed sign to a maximum of seventy-five square feet.

Mr. Jamal asked, pending those two things, when the Board would be voting on a Resolution. The Chair explained that the Board does not create a Resolution at the instant meeting, but writes it off-line and votes on it at the next meeting. The Chair pointed out that applicant must get the engineering drawings first anyway. The Chair added that the applicant does not need to attend that meeting, as it is just the formality of the Board voting on the Resolution. The Chair asked Mr. Jamal when he would be able to get the engineering drawings, and Mr. Jamal replied that it would take less than a month to get them. The Chair advised that the next meeting will be on May 24, 2023. Mr. Jamal asked how much in advance of the next meeting would the engineering drawings be needed, and the Chair replied that the Building Inspector would like the time to review it. Mr. Jamal stated that he would have an answer by Friday as to whether they will be able to get drawings submitted two weeks before the May 24 meeting.

4) Adjournment

Dr. Archer moved, and Mr. David seconded, that the Zoning Board of Appeals adjourn its meeting at 8:26 PM.

Vote: 3 in favor, 0 opposed, 0 abstaining, as follows:

Michael Wiskind, Chair –	Aye
Dr. June Archer –	Aye
Mort David –	Aye

Respectfully submitted,
Judith Calder, Recording Secretary