

REVISED PROPOSED MINUTES
VILLAGE of ARDSLEY
ZONING BOARD of APPEALS
REGULAR MEETING
WEDNESDAY, DECEMBER 28, 2022

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

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, January 25, 2023, at 8:00 pm.

Approval of Minutes

Mr. Del Grosso moved, and Mr. David seconded, the approval of the Minutes of the Zoning Board of Appeals meeting of June 22, 2022.

Vote: 3 in favor, 0 opposed, 1 abstaining, as follows:

Michael Wiskind, Chair –	Aye
Dr. June Archer –	Abstain
Mort David –	Aye
Serge Del Grosso –	Aye

3) **Public Hearing**

Application for Variances from Village Code Requirements

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
Serge Del Grosso

Also Present: Tom Walsh, GNS Group

The Chair read the Legal Notice.

Open Public Hearing

The Chair asked if the applicant had the green cards, and Mr. Walsh stated that he had the receipts for the mailing but not the green cards.

Mr. David pointed out that the application is dated December 3, 2021, whereas the Building Department received this application on December 1, 2022, and asked if this is a permissible timetable. The Chair contacted Building Inspector Larry Tomasso by telephone to ask if this was acceptable, and Mr. Tomasso advised that he believes it is, as there have not been any changes to either the Code or the application. Mr. David stated his preference for a legal opinion, and the Chair stated that the Board could make any approval subject to the opinion of the Village Attorney on this point.

Mr. David also pointed out that the name of the applicant is GNS Group Ltd, but the Affidavit is signed by Nancy Forest. Mr. Walsh advised that Ms. Forest is the permit expediter in GNS's Poughkeepsie office.

The Chair asked Mr. Walsh to provide an overview of the proposed project. Mr. Walsh stated that the applicant would like to update the existing Mobil signs to make the signs consistent with other currently standard Mobil signs, and to update the pricing and additional tenant information.

The Chair asked if the signs would be placed on the existing pylons, and Mr. Walsh stated that he believes they will.

Mr. Del Grosso asked if the size of the signs would remain the same, and Mr. Walsh replied that he believes that the signs will be the same size because they did not increase the square footage of the Mobil sign. Mr. David pointed out that they would be adding the convenience store name, which Mr. Walsh acknowledged to be the case. The Chair added that the new sign also would have a second set of price panels, and Mr. Walsh acknowledged that the new sign would have prices for credit and cash for both diesel and regular fuel.

The Chair noted that the materials provided to the Board referred to a need to investigate the foundation to determine if it would need to be repaired or replaced. Mr. Walsh stated that he was not aware of this, but stated that his company would do any such work needed. The Chair explained that he was inquiring to discern if there would be any changes other than to the face of the sign, i.e., would it be wider, taller, in need of replacement. Mr. Walsh stated that it will not be taller, but that he had not taken a measurement at the site.

Mr. David asked if the sign would be lighted, and Mr. Walsh replied that it would be internally illuminated. The Chair noted that all three of the panels currently are LED-illuminated, and Mr. Walsh stated that it will stay the same. The Chair asked when the sign would be illuminated. Mr. Walsh stated that the pricing would always be illuminated. The Chair asked if it would be illuminated even when the station is closed, and Mr. Del Grosso stated that he believes that the gas station is not open 24 hours per day. Mr. Walsh stated that typically it is on constantly, but that it can be put on a timer if that is required by the Board.

The Chair asked about the various dimensions of the signs, and Mr. Walsh stated that two signs together are fifty-four inches and that the numbers are sixteen inches high for visibility. The Chair asked if the signs would be the same on both sides, and Mr. Walsh replied that they would. The Chair pointed out that the stated dimensions were seventy-three-and-three-eighth inches on the bottom and seventy-two-and-a-half inches on top. Mr. Walsh explained that seventy-two-and-a-half inches is the actual size of the sign, whereas the larger dimension is the distance between the poles. The Chair pointed out that although the height and width of the signs is the same, the proposed signs comprise much more square footage. Mr. Walsh surmised that this was due to making the previously smaller diesel price sign the same size as the other price sign.

Mr. Del Grosso stated that the Board has nothing to compare to the proposal other than an un-dimensioned photograph, and that the Board therefore would be deciding based on

supposition of the degree of the non-conformity. Mr. Del Grosso pointed out that more than fifty percent of the area of the sign is being changed, that it is not clear if it is the same dimensions that use more of the space, and that he would like to know the material difference between the existing and proposed signs.

The Chair asked if the size of the proposed Mobil sign is the same as the existing Mobil sign, and Mr. Walsh stated that it is. The Chair pointed out that if that is the case, and the existing signs are comprised of two panels, then the proposed signs comprise at least two, if not three, times the square footage of the existing signs, have many more panels, and come down much closer to the ground. The Chair stated that the proposed is shown as only six feet off the ground, whereas the existing sign seems to be at least fifteen feet off the ground, thus creating a larger visual barrier. Mr. Walsh stated that if this is a consideration, the applicant could provide that the new sign be no larger than the existing sign.

The Chair stated that he also would like clarification of the height and width between the two poles. The Chair requested confirmation that the applicant was not proposing to change the poles, and Mr. Walsh replied that this is correct, unless there are issues that require it.

The Chair pointed out that much of the square footage of the signs were for Chestnut Market and Synergy. The Chair suggested that the price signs were more important to potential customers, and that the proposal makes those lower and thus less visible from a distance. Mr. Walsh suggested that moving the Synergy panel up from the price panels to against the Chestnut panel would save thirty-nine inches. The Chair suggested that replacing the existing Mobil panel with the proposed Mobil panel and putting the two sets of price panels directly below it, so that one of the price panels would be where there is a space now and the other would replace the existing price panel, so that the existing pricing panel moved down a little and the other moved up to the space above it, would yield signage of a similar height above the ground to where the existing signage is. The Chair pointed out that this would result in more sign area because the empty space in the middle would be used, but that it might be less intrusive than with the other two signs [Chestnut and Synergy] that may not convey useful information or attract customers. Mr. Walsh replied that the Chestnut Market is “in a way” a separate tenant, but that he understands the Chair’s point about Synergy. Dr. Archer asked if there is a marketing or branding issue with Synergy that the applicant needs to address, and Mr. Walsh stated that the Synergy sign is what they have on all the other sites.

The Chair stated that more than fifty percent of the content of the signs is being changed. Mr. Del Grosso added that the proposal adds much more signage with much more verbiage, making the proposed signs materially different, and asked if the Synergy sign was

necessary. Mr. Del Grosso pointed out that the existing sign, which is not very distracting, is itself against Village Code, and that the proposed is a very busy sign on a very busy road, and thus may cause a detriment to the neighborhood. Mr. Del Grosso concluded that the Board is being asked to grant a variance for a sign materially different from the existing one, yet without being able to make a valid comparison, and even making the assumption that the poles will be the same.

Mr. Del Grosso added that there was no explanation about whether there would be new poles, especially as he would guess that the proposed signs will be heavier than the existing signs. The Chair asked Mr. Walsh to verify whether these poles can support the additional square footage. Mr. Walsh acknowledged that applicant would need to verify that the existing poles could support the additional weight and the additional wind-load, and would also need to determine if the poles would need to be re-seated in the ground to support the proposed square footage. The Chair pointed out that the existing poles are probably twenty or thirty years old. Mr. Del Grosso asked the weight of the proposed signs. Mr. Walsh advised that it is square footage, not weight, that affects wind-load. Mr. Del Grosso added that wind-load might be an increasing concern due to recent storms, and that the Board has not been given enough information upon which to make a decision, including about the strength of the poles and the wind-load of the proposed signs. Mr. Walsh stated that if wind-load warranted it, applicant would install the signs with brand new poles.

The Chair asked Mr. Walsh to consult with the applicant about whether the poles would need to be replaced, and, if so, if that would result in any dimensional alteration, such as if the poles would then need to be wider or thicker. Mr. Walsh said that he would say yes. The Chair continued that if new poles would be further apart or thicker, this would change the visual impact. Mr. Walsh stated that any new poles would not be further apart than what is existing because the proposed sign is the same width as existing. The Chair stated that, either way, the Board needs all the details of what is proposed. Mr. Walsh stated that applicant is proposing to replace the poles. The Chair explained that the Board will want to know if the proposed poles will be of the same size and dimensions as the existing poles or if the proposed poles will increase the pole thickness, for example from eight to twelve inches thick. Mr. Walsh stated that the proposed poles would have an engineer's stamp. The Chair said that this was understood, but that the Board still needs the specific size information.

The Chair also stated that the Board will need to be provided with a drawing of the existing signage showing all the dimensions, as has been provided for the proposed, so that the Board can make a side-by-side comparison. The Chair added that the Board also would appreciate a calculation of the square footage of the entire sign as existing and as proposed.

The Chair further stated that the Board would like to see an alternative proposal that requires less of a size increase, particularly in reference to the other two business names and possibly alternative configurations of pricing signs. Mr. Walsh stated that if the Synergy sign were removed and the price signs were bumped up, the square footage within or even under the square footage that had been approved in 2011. The Chair continued that it would be preferable if the total is no more than twelve feet in height. Mr. Walsh stated that it is about 148 inches, and the Chair pointed out that is four inches more.

Mr. David raised a question about the corporate name on the Department of State form, which the Board addressed to his satisfaction.

Mr. David also asked about the validity of an application from Ulster County that is notarized by a Notary Public who is qualified in Dutchess County. The Chair agreed to ask the Village Attorney.

Mr. David noted that the Board had previously approved a variance for an upstairs addition. The Chair stated that since the addition was never done, the permit is now inactive.

The Board summed up the information it desires, as follows:

- The Board would like to know if the applicant is required to have a sign in size and configuration as proposed under a contract between itself and the brand;
- The Board would like to receive a few alternate proposals with the signage reduced so as not to exceed twelve feet, and with reconfigured price signs and letters;
- The Board would like a dimensional drawing of the existing signage;
- The Board would like the engineer to provide information about the weight of the proposed signs and the wind-load they would create;
- The Board would like information about the poles, whether they will be replaced, and what the existing and proposed poles dimensions are.
- The Board would like to know the times applicant expects the signs to be illuminated.

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

This matter was then adjourned until the next meeting. Mr. Walsh stated that he will try to get the green cards and the pertinent information for the next meeting. The Chair advised Mr. Walsh to get the materials to Mr. Tomasso ten days in advance of the meeting. Mr. Walsh advised that he does not anticipate being ready for the January meeting, but expects to be back for the February meeting.

4) **Adjournment**

Mr. Del Grosso moved, and Mr. David seconded, that the Zoning Board of Appeals adjourn its meeting at 8:49 PM.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

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

Respectfully submitted,
Judith Calder,
Recording Secretary