

September 15, 2008

1

TOWN OF CORNWALL
ZONING BOARD OF APPEALS

September 15, 2008

MEMBERS PRESENT: LENORA RANSOM, CHAIRPERSON
EILEEN REGAN
TED DOBIAS

ALSO PRESENT: ADAM RODD, ESQ.
ZONING BOARD ATTORNEY

ABSENT: MICHAEL MC GUINNESS
WILLIAM LEE

MS. RANSOM: The September 15, 2008 meeting of the Cornwall Zoning Board of Appeals will now come to order. This evening we have four public hearings.

MAPLE_HILL_ROAD,_LLC _____

MS. RANSOM: The first one is continuation of the request from Maple Hill Road, LLC, are they present this evening?

Mr. John Queenan appeared before the board for this proposal.

MS. RANSOM: The applicant is seeking an area variance to Section 280 (a) of the Town Law in order to construct a single family dwelling on an existing lot that does not front on an existing roadway and will be accessed via an easement on the adjoining lot. Let the record show that we have received some additional correspondence, a letter from the Canterbury Fire District signed by Patrick J. Hines, Chief of the Department as well as a letter signed by John Queenan, project manager from Lanc & Tully Engineering and Survey.

MR. QUEENAN: Good evening, my name is John Queenan from Lanc and Tully representing the applicant. We're before you tonight for the continuation of the variance we seek in connection to a public thoroughfare from an existing lot that does not have any public frontage. Since we were last before you, there was several concerns regarding the access to the property for emergency vehicles specifically the width of the driveway access. Since that time, we have contacted the fire chief, Mr. Pat Hines, he has looked at this plan and asked that and I believe we have come to a resolution, we have now made the driveway 18 feet in width to be paved for its entirety down to the dwelling as well as adding an emergency vehicle turnaround located just to the east of the dwelling up the driveway. This road now meets private road specifications within the town and Pat apparently based on his letter today which we received has no other objections to this, although he didn't specifically

state a width, we chose 18 feet to match the private road spec. The other concern was tree height above the driveway. Based on the width of the driveway and the construction of the shoulders and the swales, we feel that there will be no tree cover over the driveway. But if there is we will add a note on the plan if there is any it will be removed to the 12 foot height. Some of the other issues that were brought up were from Orange County Planning Department, we have addressed those in the manner as shown that was in the letter. But basically all the flood plain regulations that are currently in effect we're abiding by. Our first floor is four feet above the recorded 100 year flood plain regulation, our driveway is two feet above, we're only required by law to be one foot above. The other comments from the county were velocity on the storm water, we have instituted grass swales on each side of the driveways, we have check dams and soil erosion control plan during the construction of the lot. We feel that these are adequate enough to prevent any further erosion. So we are before you tonight hopefully to render a decision on the variance.

MS. RANSOM: And has the slope of the driveway been flattened at all or is it still, what's the slope?

MR. QUEENAN: The slope is 15 percent until you hit the area where the emergency vehicle turnaround is then I believe it flattens out to about if my memory serves me correct about 4 percent and going into the dwelling it's about 2 percent.

MS. RANSOM: Okay, and you had indicated that the house was going to be 4 feet above the hundred year flood plain elevation?

MR. QUEENAN: Yes, the first floor is proposed to be 239, elevation 239, the 100 year flood plain elevation is elevation 235, our garage floor is proposed to be elevation 237 that it be two feet above and if you

notice the grading contours around the lot there will be no elevation lower on the lot than 236.

MS. REGAN: With regard to the flood plain I understand a lot of the flood plains are being revised with global warming and the changes, has that been looked at here? Are you just looking at the existing flood plain?

MR. QUEENAN: We have looked at whatever existing data is available.

MS. REGAN: But did you check to see if that's changed at all because I know some places they're changing it.

MR. QUEENAN: I believe we completed this map late in 2007, so if there was a change we'd have to look that up but I don't think there's any in this area so far.

MS. RANSOM: Ted, any questions?

MR. DOBIAS: No.

MS. RANSOM: Is there anyone in the audience that would like to speak to this issue? Okay, so the whole driveway's going to be paved, correct?

MR. QUEENAN: Correct.

MS. RANSOM: Because I don't believe that any of the documentation had said that.

MR. QUEENAN: It would be paved, it should be shown on the plan, it should say proposed driveway paved.

MS. RANSOM: Okay.

MR. QUEENAN: Then I believe there's a note I think it's note number 6 under general notes, 6 or 5, I forget but says that it should be paved in its entirety and should not exceed 15 percent slope in any location.

MS. RANSOM: Okay, any other questions?

MS. REGAN: No, just that flood plain whether it's accurate or not.

MS. RANSOM: So you don't know if the flood plain is the current flood plain information?

MR. QUEENAN: I can't tell you for certain, I know that our survey department has used whatever the latest flood plain information would be to date.

MS. RANSOM: And these maps were revised on September 11 of this year?

MR. QUEENAN: Correct.

MS. RANSOM: Would that have included flood plain updates?

MR. QUEENAN: No.

MS. RANSOM: So then the flood plain information would go back to the 2007 maps?

MR. QUEENAN: Yes.

MS. RANSOM: Okay, anything else you'd like to add?

MR. QUEENAN: That's all.

MS. RANSOM: Okay, thank you.

JEHOVAH'S_WITNESSES_-_CORNWALL_CONGREGATION

MS. RANSOM: Next public hearing is on the Jehovah's Witnesses - Cornwall Congregation. They have sent us a letter requesting additional time to get the information the board requested together. Do I have a motion to leave this open till our next meeting on October 20?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN AYE

MR. DOBIAS AYE

MS. RANSOM AYE

MS. RANSOM: So we'll leave the Jehovah's Witnesses - Cornwall Congregation open.

GLENBROOK_CUSTOM_HOMES,_LLC

MS. RANSOM: Our next public hearing this evening is on the request of Glenbrook Custom Homes, LLC. We'll read the public notice. Notice is hereby given that the Zoning Board of Appeals of the Town of Cornwall, County of Orange, State of New York will hold a public hearing at the Town Hall, 183 Main Street, Cornwall, New York on September 15, 2008 at 7:30 p.m. or soon thereafter as the matter can be heard on the application of Glenbrook Custom Homes, LLC relating to property located at 33 Strawberry Lane and designated on the tax map as section 10, block 2, lot 3. The applicant seeks an area variance to Section 158-12, Part 1, SR-1 district, use group G, column number 5, 7 and 8 of the zoning ordinance in order to construct a 61 foot by 51 foot 4 inch four bedroom two story dwelling with insufficient front yard, rear yard and road frontage. The ordinance requires 30 feet front yard, 30 foot rear yard and 100 feet of road frontage and the applicant proposes 27 feet front, 22 rear and 25 of road frontage. The Zoning Board of Appeals will hear all persons interested in the application. All written communication should be received by the board at or prior to the hearing. Dated: August 14, 2008. By Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson. Also let the record show that the board received correspondence dated September 12 from Patrick and Sharon Pacenza and that information is available here if anyone would like to take a look at it. Are you ready to make your presentation?

MR. DEL VECCHIO: Yes, if I may for the record Andy DelVecchio on behalf of Glenbrook Custom Homes, Inc. and if possible I would like to see the letter from the Pacenzas because I had not been aware of it until you made reference of it.

MS. RANSOM: It was actually sent to my home and I brought it to the building department this morning. I

received it on Saturday.

MR. DEL VECCHIO: Just by way of some background before I have our project engineer, Mr. Lock, testify on the details. This application was previously before you in 2006, as was referenced in Mr. and Mrs. Pacenza's letter, the board acted favorably on this application. The plans that we're going to present to you this evening have not changed at all from the prior plans which the board acted favorably on. We're aware of the agreement with the Pacenzas that was struck in the context of the last application for this property and in fact we have attached it as an exhibit to our municipal application package which we filed with this board for the record and for the sake of the Pacenzas so they have absolute clarity we agree and will agree to abide by the terms of that prior agreement, as anticipated, we would do so even without seeing the letter that the chair made reference to earlier in the introduction to this matter. The application does have three variances associated with it, the road frontage variance is obviously one which we cannot change or control or fix by virtue of change in our plans for the construction of a home on this property. Again, if you recall as a result of the last set of hearings in this matter, there was ultimately a letter issued by the municipal engineer making recommendations for the improvement of the private road known as Strawberry Lane which we agreed to at the last set of hearings, obviously, we continue to agree to abide by those terms and recommendations in connection with the reapproval that we're requesting this evening. The other variance one for rear yard and front yard I will have the project engineer touch upon in greater detail but the front yard variance really is just to allow a porch to provide the transition from the front door to the grade on the property. The balance of the home actually complies with your front yard setback requirements. And the rear yard setback requirement is one that pertains primarily to the deck which is proposed off

the back of the home, more than half of the proposed home that's shown on your plans would comply with your rear yard setback requirements. With that stated, I'd like to have Mr. Lock just put the picture and show you the details of some of the narrative that I provided for you.

MR. LOCK: Really have a tough act to follow. John Lock with AFR Engineering and Land Surveying, professional engineer and land surveyor. The characterization is very accurate, essentially, the home is really a bit smaller than what was represented, I believe the reference in reading the public hearing was that it was 61 x 54, that may be the overall box but the house has a number of architectural features that make it quite a bit smaller than the 54 that's represented. That 54 is the extreme out-to-out of the deck and the porch, the bulk of the house is quite a bit smaller than that, so that essentially what we're seeking the variance for with respect to the front yard is really the porch to provide a nice visually pleasing way of getting in and out of the house breaking it up architecturally and with respect to the rear yard it is the deck and it is one small portion that has an overhang, a bump-out.

MS. RANSOM: Is this the same house that you proposed originally?

MR. LOCK: Yes, this is the exactly the same plan. We haven't changed the plan, in fact, I had to just go find a copy of it and run it to bring it with me. The only things that really I can recall having done on this since it was last before the board was we had some people interested in looking at the property, the property corners were set so that some perspective buyers could observe exactly what the bounds of the property was but the plan is identical. The third variance of course really is something that there's no design way to address with respect to the, that's the

frontage on this, yeah, so I really don't know if there's anything else I can really add.

MS. RANSOM: So the frontage is strictly the 25 feet of the road?

MR. LOCK: That's correct.

MS. RANSOM: The proposed driveway?

MR. LOCK: Yes.

MS. RANSOM: Okay, so now the legal notice says that could construct a 61 foot by 54 foot house, four bedroom house, is that correct?

MR. LOCK: It is an accurate description of it in terms of the gross measurements, yes.

MS. RANSOM: Okay, now, if I recall there was, do you have an approval from the fire department for the driveway and did they say they could get a fire truck in there?

MR. DEL VECCHIO: What ultimately happened in the context of the last application I think the fire department representative and municipal engineer and I have the review letter here ultimately met and I believe it was the municipal engineer who issued a letter on July 10 of 2006, Mark Edsall, and it was addressed to Mr. Rodd and the recommendations that were made were in a memo that was attached to that communication from Mr. Bedetti, the Assistant Fire Inspector to Mr. Edsall, the engineer, memo dated June 27, 2006. And there were three recommendations that were contained in there, one was that the road width be 24 feet, 18 to support the imposed loads of the fire apparatus and 6 feet of shoulder, 2, that the dead-end road be provided with an approved area for turning around of the fire apparatus and 3, that the road

agreement be modified to make reference to the width and height restriction for trees that may exist along its way and as I indicated in my opening remarks, we approved or indicated our acquiescence to those conditions as to any action the board may take and we continue to agree to do so.

MS. RANSOM: So has this property been on the market then since August of 2006 when the board made this approval?

MR. DEL VECCHIO: This property has been on and off the market because of various market conditions, it was our intention to re-list this property earlier this year, if you recall, I did appear before you to request an extension of time and we were not, we did not receive that so we had to re-file the application, the intention is to put it back on the market assuming we get the board's re-approval of this application.

MS. RANSOM: Okay, Eileen, questions?

MS. REGAN: How is it going back on as a vacant lot or as a build to suit or this is a representative style home?

MR. DEL VECCHIO: Well, that's the approved footprint that we're seeking approval for, obviously because of the variances that are associated with this we and any subsequent buyer would be married to that footprint, the exact architectural features may change depending on the taste of the folks who may buy or reside there. I think the builder's intention is either to sell the property outright or do a build to suit should that opportunity arise. Given the marketplace, they can't be very choosy, quite frankly.

MS. REGAN: Thank you.

MS. RANSOM: Is there anyone in the audience who'd like

to speak to this issue? Ted, any questions?

MR. DOBIAS: No, just going to ask him if it's the right time to build houses with all the houses for sale and all that.

MR. DEL VECCHIO: Depends on whose crystal ball you're reading. The builder is of the belief that hopefully the spring of next year we'll see a turnaround in the housing market and this would put the timing of this approval probably right in the right place if he's right. Given today's events in the credit market, I don't know, I'm a bigger doubter than he may be.

MR. DOBIAS: Well, I hope.

MR. DEL VECCHIO: That's why I'm not in the building industry.

MS. RANSOM: Okay, any other questions? Is there anything else you'd like to add?

MR. DEL VECCHIO: No, nothing further unless I can answer questions.

MS. RANSOM: Counsel, anything?

MR. RODD: No.

MS. RANSOM: Thank you very much.

MR. DEL VECCHIO: Thank you.

EASTERN_ORANGE_AMBULATORY_SURGERY_CENTER/CORNWALL_
MEDICAL_COMPLEX,_LLC

MS. RANSOM: Our next public hearing this evening is on the request of the Eastern Orange Ambulatory Surgery Center/Cornwall Medical Complex. Notice is hereby given that the Zoning Board of Appeals of the Town of Cornwall, County of Orange, State of New York will hold a public hearing at the Town Hall, 183 Main Street, Cornwall, New York on September 15, 2008 at 7:30 p.m. or soon thereafter as the matter can be heard on the application of Cornwall Medical Complex, LLC relating to property located at 21 Laurel Avenue and designated on the tax map as section 20, block 55, lot 1.2-2. The applicant seeks an area variance to Section 158-18 (h) (1) (b) (1) of the zoning ordinance in order to allow a 5 foot high by 17.5 long facade business sign where the ordinance allows business signs to be 2.5 feet in height and 10 feet in width. The Zoning Board of Appeals will hear all persons interested in the application. All written communication should be received by the board at or prior to the hearing. Dated: August 28, 2008. By Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

MS. FORREST: Hi, my name is Nancy Forrest, I work with Glode Signs and we had done the signs for St. Luke's/Cornwall Hospital and contracted by Eastern Orange Ambulatory, they are located on, their entrance is located on the 9W side of the building. And if you look at the drawing, we have moved, located their sign to the left of and below St. Luke's Hospital. The reason they're requesting this sign there is that they want a sign that's visible from 9W because it's an ambulatory care center, people are coming in off 9W and going towards the back and parking and going in the main entrance which then requires them to walk all the way up to the front of the building where Eastern Orange is. They're a major tenant, all their offices

are on that front side whereas the hospital actually lies behind it. The square footage was determined as you see it there by the overall height. If you were to box it out as a rectangle actually the square footage is less than 60 square feet, if you take into account the shaping of just the stripe that goes over the arc at the top the individual letters and then the box sign at the bottom. So if you were to actually calculate how much footage there is it's significantly less than what's shown on the plan but that's how the town does it, they just make it into a box. We're doing individual channel lit letters instead of an entire back lit face, we have kept them subdued size wise, distance from the road it's the appropriate size to do what the customer requested.

MS. RANSOM: For first of all, let the record show that we do have a proxy to allow Miss Forrest to speak on behalf of the applicant. Okay, is this some sort of logo, is that why we have the stripes?

MS. FORREST: Yes, that's the logo that they use in all of their I guess you'd call it marketing and any other type of information that they set forth.

MS. RANSOM: Okay, now, on one photo the letters look blue, on the other photo they look white, what are they?

MS. FORREST: What you're seeing, are you on the nighttime photo? It's showing the letters as white.

MS. RANSOM: Yes.

MS. FORREST: The faces of these letters are a vision film so that during the day they're black but because of the way they're pixelated at night the letters light white.

MS. RANSOM: I'm not familiar with channel lit letters

but is the sign that's already there--

MS. FORREST: St. Luke's Hospital?

MS. RANSOM: Yes.

MS. FORREST: Yes, we came in front of you for the area variance as well.

MS. RANSOM: Is that channel lit?

MS. FORREST: Yes, it's the same type of signage, those are individual channel lit letters, we want to be consistent.

MS. RANSOM: And the square footage of this sign is including the logo is what again please?

MS. FORREST: I believe you have it down at 5 foot by 17, 85, 86 square feet but that's by boxing it out. But if you look at the drawing, the stripe really is not a solid height and width of that, the stripe is actually quite narrow.

MS. RANSOM: But it's because the top of the stripe is 5 feet from the bottom of the letters?

MS. FORREST: Right.

MS. RANSOM: And the way this is depicted is exactly how the sign will look?

MS. FORREST: Exactly, yes.

MS. RANSOM: Without Ambulatory Surgery Center capitalized?

MS. FORREST: Yes, that's on the bottom sign, if you look at the section at the back channel letters are pretty much the most expensive form of letter that you

can get, you're seeing them in all the shopping centers as opposed to cabinets that have very bright background light with fluorescents, the reason we choose to do this at night the black box is not going to show, you're just going to see the smaller letters. The reason we do this is that because obviously there are a great deal of letters and this sign would have way exceeded what you would have wanted to spend for a sign if they were all channel letters so just the Eastern Orange is the channel letter, the stripe at the top is fabricated the same way, the bottom is a stencil cut non-illuminated face and only the letters that will light at night so the night view is exactly how you'll see it at night in the drawing.

MS. RANSOM: Is it going to be lit 24-7?

MS. FORREST: That I don't know. If the board wants to impose, I don't believe but I'm not positive, I don't think they're open through the night like the hospital is so if the board were to put that they want a timer to shut off at a certain time.

MS. RANSOM: Okay, anything?

MS. REGAN: No.

MR. DOBIAS: It's a good looking sign.

MS. RANSOM: How tall are the letters Eastern Orange in comparison to the St. Luke's?

MS. FORREST: Oh, smaller, I think the St. Luke's if I'm not mistaken St. Luke's are the upper case are 48 inch letters, I believe they're pretty big between 40 and 48.

MS. RANSOM: Okay.

MS. FORREST: It's probably twice the size in square

footage, not in height, it's definitely more square footage.

MS. RANSOM: And this is the, this is the exact location when you drive passed the hospital this is where it will be?

MS. FORREST: Yes, and the door right down below that on the left is their entrance, this whole section is Eastern Orange Ambulatory.

MS. RANSOM: And they actually on this section of the building this wing is their property?

MS. FORREST: From what I understand, I'm not sure if they're just affiliated with the hospital or if they're a tenant. I know they have a great deal of square footage. I do know that one of the physicians or surgeons that actually practices at the hospital is part owner as well, I believe.

MS. RANSOM: Part of my question is do they need permission from the hospital to do this?

MS. FORREST: You have a signed consent form from a representative of the hospital, yes.

MS. RANSOM: While I search for that, is there anyone in the audience who'd like to speak to this issue? Can we have your name and address for the record?

MR. CLARK: Randy Clark, 64 Maple Street. And also for the record I'm a town councilperson. Good evening Madam Chairman, board, counsel. First I have two issues I'd like to bring before the board and with no disrespect to Nancy, I'm sorry I didn't catch your last name, the way that I received and my wife received the notice and as a Town Board member I'd like to follow this up at a future date but and I'm sorry that the applicant is not here cause I'm confused who really is

the applicant. Have you seen the notice that was sent out that was from the sign company? Actually, it was from our town building inspector, I thought it was junk mail, I put it in the junk mail pile. A few days later our neighbor, Lynn Cunningham, approached me, did I receive a letter? I said no. So she gave me a copy of her letter. Few days after that Mary said did you see the letter? We took it out and its return address is the sign company in Poughkeepsie, no mention of the applicant until you open up, actually read it and it says Cornwall Medical. So I went to our building inspector and this is the process, it's completely legal, a little misleading, a little deceptive in my eyes cause I threw it out as junk mail. I don't know if anyone here is from Jaeger Drive, I don't know if they were in the limits of this notice.

MS. FORREST: What street?

MR. CLARK: Jaeger Drive, because they're really going to be affected by this sign. With that, I just want to put on the record my displeasure in the process, I understand the process was changed 10, 12 years ago and used to be a certified return receipt, used to be responsibility of the applicant to get notices out. As a town counsel person, I really think we need to review that process and go back. Moving on to the sign, thank you for that little digression. First off, I'm not really sure why they need a sign, they, the hospital itself already has two signs illuminated that can get you into the grounds. If you can't find the hospital, you may have bigger problems than getting there for out-patient surgery. All the signs on the grounds right now are lit. I would invite you to drive by, I'm sure you do in your daily evening, just look at the light that has emitted from the various signs that are there. Also the main ambulatory surgical building, those lights in that building stay on almost I've gone to bed at midnight and the lights are still on. I'm not quite sure why the signs are lit. I'm not sure why

the building remains lit. That building which is housing doctors, physician's offices and the ambulatory surgical center according to the front sign right now has nine independent businesses. If we approve this sign for the surgical center, are the other eight businesses also entitled to put up signs on the outside of the center? Why wouldn't they be? This is a for profit center, advertising is very important, they should be allowed to put signs up so if we set a precedent by allowing this one, how many more signs have to go up? The square footage no matter how you decide to measure it is anywhere from three to four times the amount of square footage that the town currently allows under code. I also assume that a business can only have two signs for advertising purposes. There's already two, one on Laurel, one on the entrance to the pavilion and under those pavilion signs smaller arrows explaining where and how to get there. I think most people going to any venue, be it a medical vicinity, concert, a hotel will pretty much pick up the phone and call and ask how do I get to you. So I really don't think it's too much to ask for directions coming down 9W to find the hospital. That's about all I have right now. Thank you for your time, thank you.

MS. FORREST: I'd like to respond to a couple of those things if I can. He's absolutely correct, I've been doing this a little over 30 years and it is true that most towns when you're requesting a variance do require return receipt on it and I did ask the building inspector because I was frankly a little surprised too that it was my return address going on there because really if someone does want to respond and can't attend the meeting they should know that it would be sent back to the town, it's not that I would do it, I welcome anybody to come forward but because they come back to me and I did receive two of them back returned somebody maybe, you know, little more unethical might just say well, I'm not going to let them know that somebody's

against it. So you're very right in that normally you have to do a return receipt and I have to bring those cards with me and if there are any responses they get directly sent to the building department or the zoning board so that's correct. As far as the signs in all the hospitals that I have don it's not unusual for the hospitals to have larger signs to be sure that they're very visible. We do try to keep them as low key but we're very careful on the measurements of distance from a highway where in some cases somebody may be coming, emergency or might not be that much of an emergency in a hurry and needed to be guided where they're going. As far as setting a precedent in any town that I have ever worked in that's on an individual basis, it's not unusual for a major tenant in any building to be given permission by whoever is the leasing agent or the owner of the building that's the same as shopping centers, the major tenants will get signs or larger signs or more signs than the smaller tenants. So they're the major tenant. I have not been approached since Cornwall Hospital was done and we received that variance by anyone else, they sought permission first from there and so we have that, that would put two signs on the building, so there's a lot of square footage. I don't think looking at the building that it's over-signed and the one out on the road is an entrance sign that's perfectly normal as well to slow people down. You put that sign where the entrance is.

MS. RANSOM: Mr. Clark just brought up a good point, if there are nine tenants in this wing of the hospital, can we expect--

MR. CLARK: Madam chairperson, yeah, we've got to kind of clarify, this is a private enterprise, does not belong to St. Luke's/Cornwall Hospital at all. It's an LLC that was formed, it is a ratable, it's owned by a consortium of physicians. So Nancy said that people would have a hard time finding the hospital, well, we have the Hs out on the highways for that and if they

were coming in an emergency situation it's an outpatient surgical facility that she's representing, just one of the nine members but it has nothing, they rent from the hospital, hospital rents from them, excuse me, they own the building.

MS. RANSOM: I still didn't see any approval from anyone at the hospital authorizing this, I don't.

MS. FORREST: He checked that in with Gary, I don't know if it's a copy but I couldn't submit without an owner's signature.

MS. RANSOM: I have a signature that allows you to speak on behalf of the owner of the property but I don't see anything from the hospital indicating that they don't have any issues with this sign because when you look at this building whether it's an independently owned building or not the fact that it has a sign that says St. Luke's/Cornwall Hospital makes you think it's part of the hospital.

MR. CLARK: Yes, that should have been considered when the building went up because that's a complete misnomer with that lettering on the side of the building.

MS. RANSOM: So I guess then are we causing more confusion here rather than less confusion?

MS. FORREST: Well, when I sought the signatures that were required by the building department I was told that I needed approval from the owners. I was led to believe that the signature that I have was one of the owners of the hospital.

MS. RANSOM: Well, Dr. Sayegh has signed.

MS. FORREST: The hospital, St. Luke's/Cornwall Hospital is you're saying it's owned by Eastern Orange, is that what you were saying? I'm sorry, I

misunderstood.

MR. CLARK: I'm not sure who, the LLC owns the ambulatory surgical, the building in question it's an LLC, it's not the hospital.

MS. FORREST: Right, I'm, sorry, I thought you meant they owned it.

MR. CLARK: I would assume it's the Cornwall Medical Building LLC is the owner but--

MS. FORREST: The signature that I received was that I requested and received back from Eastern Orange was from a representative owner of the hospital, it's for their permission, that's what I was given and I submitted along with my application.

MS. RANSOM: We have a signature from Dr. Sayegh allowing you to speak on behalf of this request.

MS. FORREST: Who's one of the owners, yes.

MS. RANSOM: Is there anyone else in the audience? Can we have your name and address please?

MR. FARKAS: Bob Farkas, 16 Laurel Avenue, Cornwall, New York. I have the same issues with having added signs on the building. If you go to any facility around the area you have a general address for the facility and then when you go in the door there's a letterhead on the wall stating what floor and what office each facility is in. They do not have signs outside the buildings, most towns, Fishkill, Wappingers Falls, New Windsor, all of them they don't allow it, they didn't allow it. St. Luke's tried to do it over towards Stewart, put a sign up on the building and New Windsor made them remove it because we're opening up a whole issue that we're going to have a town full of neon signs. And right now that one sign on the

hospital or the surgical building I think is enough. If they can't find it and they go inside and find where they need to go they don't need it, I mean, you know, it's just getting ridiculous.

MS. RANSOM: Okay, thank you Mr. Farkas.

MR. CLARK: Randy Clark. All those businesses inside the surgical building are closed at 5 p.m. So I would like you if you did approve or any other future signs or any current signs that you may have control over try to put them on a timer because there's no reason for them to be on for that. And last again please drive by tonight when you leave, you'll see how many signs are lit right now. There's one in particular that drives us crazy, the outpatient sign is an archway and has a white light on it and it's like a neon beacon right into the kitchen.

MS. FORREST: On Laurel?

MR. CLARK: We're the first house on Maple.

MS. FORREST: Coming off 9W?

MR. CLARK: Yes.

MS. FORREST: That one's not visible from 9W, right?

MR. CLARK: I'm sure it's visible from the moon, actually, yeah, it's so bright it's unbelievable. So the light pollution is the main issue with all these signs. Thank you.

MS. RANSOM: Anyone else like to speak to this issue?

MR. LOGER: Pete Loger, 32 Laurel Avenue. I already got my windows, the blinds are always shut, I got the red emergency right in my, coming in already. I do not need no more lights, if they can possibly do it at

nighttime, I know the big emergency I'm not going to get rid of but anything else I'd appreciate it if they didn't put it up.

MS. FORREST: You're on Maple?

MR. LOGER: Second house in directly across from the emergency room. Thank you very much.

MS. RANSOM: Anyone else like to speak to this issue? Ted, any questions?

MR. DOBIAS: No.

MS. REGAN: No.

MR. RODD: Just so I'm clear on the hours, do you know what the hours of operation would be?

MS. FORREST: No, I do not know if they have evening hours at all. As I said, if it's a request, it's not unusual for a request, if it's not open in the evening and it's not an emergency entrance in the evening that it can be put on a timer, and it can be shut off. I do that in other towns as well, not hospitals but businesses as well. But the majority of hospitals I've done in the last 30 years all have more than one sign, as I said, we try to keep them as low key as we can. But as I said, the purpose is to be sure that they're read.

MR. RODD: I think it's information that should be confirmed to the board at some point. And the reason I say that also is we have not received any response yet from Orange County Department of Planning. Doesn't indicate when the request for a report was made, but right now we can't confirm whether more than 30 days has elapsed or not so in all likelihood, I don't believe the board is going to be acting tonight.

MS. FORREST: Can I go on to the next meeting, get the information that you're requiring?

MR. RODD: Yes.

MS. FORREST: I'll bring a representative if they want the opportunity to show, I'll get you the information and perhaps at that time you'll have, I didn't know that there was something else they were waiting for the building department requested.

MS. REGAN: I actually have another question. The sign is very visible when you're facing it or you're heading north but if you're approaching on the south side and people pull into the parking lot for the outpatient like blood work and stuff like that oftentimes I know that people are lost and they ask, they come into that area and they ask where is this ambulatory surgery place. If this is on the northbound side is it going to help the people that are coming south and pull in the rear parking lot? It's very confusing now, people don't know where to go.

MS. FORREST: Talking about those coming in this direction here?

MS. REGAN: Yes.

MS. FORREST: They come in and see the hospital sign and turn in the road here, yes, you can see that.

MS. REGAN: Correct, but they're going to that other parking lot for the outpatient.

MS. FORREST: They're just coming in and going to the main entrance parking lot where they're talking about the emergency room down around the back.

MS. REGAN: But nobody knows where the ambulatory is.

MS. FORREST: Right, so they're parking in that section going in the main entrance and asking, and being redirected up to the front.

MS. REGAN: But my question is if they're doing that and they're parking here are they going to see the sign here?

MS. FORREST: No, this will keep them parking in the upper lot where the entrance is here, there's a parking lot closer to 9W, that's where they want them to come in and park, the first entrance on your right when you turn off 9W that's what they're trying to get their attention with so they come in that parking lot and come right in the door where they belong.

MS. REGAN: Thank you.

MS. RANSOM: Adam, normally we have a proxy showing us who the owner of record is, we don't have that, is that something we should have?

MR. RODD: I think it's a matter of public record as I understand it that Eastern Orange Ambulatory is going to be a tenant of the building.

MS. FORREST: That's what--yeah.

MR. RODD: Yeah, I mean, perhaps if you can submit cause again we don't have it, just documentation establishing their status as a tenant, they're a tenant, they're proposing the sign.

MS. FORREST: I do all St. Luke's, I can get any information from St. Luke's you need. As well I'll also verify Dr. Sayegh's signature, I was told he was part owner of the hospital, so if I need another signature as well if he's only part of the Eastern Orange then they gave me the wrong signature. I'll get the right one, as I said, I know St. Luke's approved

it, we did a lot of work for St. Luke's.

MS. RANSOM: I'd also be interested to know what other tenants are in this building and cause, you know, really don't want to see a row of signs all along 9W.

MS. FORREST: So we want something from St. Luke's stating that they're not going to give permission for any other tenants to put signs?

MS. RANSOM: I don't see where we have any permission from the hospital anyway. All I see in the packet is Dr. Sayegh authorized you to speak on his behalf of Eastern Orange.

MS. FORREST: He signed as the owner though so that's when they called me when I told them that I needed a signature from the owner and owner or representative of the hospital, she said one of the doctors on staff there is an owner and she can get that from him. So I will clarify that I can get the signatures from St. Luke's, that's not a problem.

MS. RANSOM: Well, I'd like to think, I think that we should have something from the hospital that they're in at least agreement because it does appear that this is part of the hospital whether it's independently owned or not.

MS. FORREST: All right, so when is the next meeting?

MS. RANSOM: Our next meeting is October 20th.

MS. REGAN: I have another question. If a sign did have to go up, does it have to say Eastern Orange or could it just indicate ambulatory surgery?

MS. FORREST: No, that would make it appear that it was the hospital, I don't think they want to put a sign like that, it's their company and business.

MS. RANSOM: Right, so this is basically advertising rather than directional.

MS. FORREST: Well, it's both, I mean, your town allows the not for profit business to go in there, I mean, they have already been in front of planning.

MR. CLARK: That's incorrect, ma'am.

MS. FORREST: So, I mean, I don't--

MR. FARKAS: I just want to say ambulatory surgery, that's the building, so it's not the hospital, it's a private entity. So that should be the only sign up there. And then you go into the foyer and you find the other tenants that are in the building, that's how it's done all over the area. You don't have names plastered all over the building. It's just simple, you don't put those signs up. They can find it, if they find ambulatory surgery building then they know where it is, they have to go in that building, it's very simple and we're just trashing up our town by putting up a bunch of signs.

MS. FORREST: I think the difference in hospital or not you mentioned Fishkill, Fishkill doesn't have a hospital.

MR. FARKAS: You're talking about a hospital, ma'am, this isn't a hospital, this is private entity ambulatory surgery building, so you've got to exclude the hospital, that's not what you're putting the sign on.

MS. FORREST: What I was going to finish saying is that in the other hospitals that we do have they also have the Dyson Center or other cancer doctors and things that have big facilities that are also in that hospital and they do have other signs on them so I'm talking

about hospitals only not businesses.

MR. FARKAS: We're talking about Cornwall, we're not talking about other places and we want to look like a community, not like a neon sign.

MS. RANSOM: Thank you, Mr. Farkas. Mr. Clark, you wanted to say something?

MR. CLARK: It is a for profit entity. You said it was not-for-profit.

MS. FORREST: No, I said profitable businesses for profit.

MR. CLARK: There's no owner of the hospital, you can't get Mr. Stillman to get a signature, it would be difficult, he was the person who donated the land, there is no owner of the hospital.

MS. FORREST: Well, the people that sign the paperwork for when I came in front of your town for St. Luke's Hospital I have signatures.

MR. CLARK: It's St. Luke's/Cornwall Hospital.

MS. RANSOM: When you were here before I believe the C.E.O. of the hospital signed that application.

MS. FORREST: I'll bring him next month, okay.

MS. RANSOM: Before we get--

MR. RODD: Just need a letter, that's fine.

MS. FORREST: No, he's probably going to want to come but that's all right.

MS. RANSOM: Is there anything else you'd like to add? So we'll be back here October 20.

September 15, 2008

30

MS. FORREST: Same time?

MS. RANSOM: Same time, same place.

MS. FORREST: Thank you very much.

REGULAR_MEETING

MS. RANSOM: Okay, the minutes of the July meeting have been distributed, are there any additions or corrections? Do I have a motion to approve the July minutes?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: The August minutes have been submitted, I have one just small request on page 19 that I'm the speaker, not Eileen. Do I have a motion to approve the August 18 minutes with that one correction?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: I'd like to make a motion that the board go into closed session to address legal issues with board's counsel.

MS. REGAN: So moved.

MR. DOBIAS: Second it.

September 15, 2008

32

ROLL CALL

MS. REGAN	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

(Whereupon, the board went into closed session.)

(Discussion was held off the record)

MAPLE_HILL_ROAD,_LLC_-_DECISION

MS. RANSOM: The first hearing this evening we had was on Maple Hill Road, LLC. They're seeking a variance to construct a single family dwelling on an existing lot that does not abut on an existing roadway. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: Okay, the applicant is asking for a variance to Section 280 (a) of the Town Law. Let's take the grounds of relief for an area variance one at a time just to so we can discuss this. Will the variance sought produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties in the neighborhood in which the applicant's property is situated?

MS. REGAN: No.

MR. DOBIAS: No.

MS. RANSOM: No, and as they have testified to they're going to meet all of the bulk requirements of the zoning ordinances. They're going to have safe and adequate access to this property based on the requirements set out by the fire department. They have also indicated that they're going to increase the height of the building due to the hundred year flood plain. It's a residential neighborhood and this is a single-family home so it would fit in the character of

the neighborhood. Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance? No, because they do not have access to an existing roadway, they're going to have to access through an easement by the adjoining lot but they have indicated they're going to have an 18 foot paved driveway which would meet the requirements of a private road. Is the requested variance substantial? It's not quantitatively substantial since they have made all the modifications that the Orange County Planning suggested as well as making safe and adequate access for emergency vehicles. Will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the neighborhood or the district? Again, I think that they have made modifications to because of the flood plain they have made modifications to the driveway increasing it in size making sure that it is paved. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes.

MS. RANSOM: Yes, I believe it is as well but they have met all the additional requirements and I don't feel that that should carry as much weight cause it's not going to have an undesirable change in the character of the neighborhood or be a detriment to nearby properties. Do I have a motion that this is a Type 2 Action under SEQRA?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: Do I have a motion to approve the request of Maple Hill Road, LLC for a variance to Town Law in order to construct a single family dwelling on an existing lot that does not front on an existing roadway and must be accessed via an easement and that in addition it is conditioned upon the items outlined in the letter from Lanc & Tully as well as from the fire department?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

GLENBROOK_CUSTOM_HOMES_-_DECISION

MS. RANSOM: Our next hearing this evening is on the request of Glenbrook Custom Homes. We have not received Orange County Planning approval for this, the building department filed it early September so we're going to talk about it and make a decision but any decision that's made is going to be contingent upon planning approval. Okay, do I have a motion to close the public hearing with the exception of accepting the information from the Orange County Planning Department?

MR. DOBIAS: So moved.

MS. REGAN: Second it.

ROLL CALL

MS. REGAN	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

MS. RANSOM: This is an area variance to construct a single family two story dwelling with insufficient front yard rear yard and road frontage. This is the exact same plan that was presented to us in 2006. Okay, as long as we're all in agreement that we reviewed the five factors last time there was no undesirable change to the neighborhood, that the benefits sought by the applicant could not be achieved by a method other than an area variance, so we've gone through the analysis, I feel that as long as everything is exactly the same they have agreed to all of the conditions that they're going to comply to make sure that the Pacenza agreement was covered, that everything is the same, I don't feel that we, I feel this should be approved. So I guess I'm asking for a motion to approve the request of Glenbrook Custom Homes LLC with the same conditions as the previous application.

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN AYE

MR. DOBIAS AYE

MS. RANSOM AYE

MS. RANSOM: I guess we need to do SEQRA, don't we?

MR. RODD: Yeah.

MS. RANSOM: Do I have a motion that this is a Type 2 Action under SEQRA?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN AYE

MR. DOBIAS AYE

MS. RANSOM AYE

MS. RANSOM: Hopefully we'll hear from planning before the next meeting.

MR. RODD: If Orange County Planning thinks of something dramatic which you never know but we'll let you know.

MR. DEL VECCHIO: Thank you.

MS. RANSOM: Motion to adjourn?

MS. REGAN: So moved.

September 15, 2008

38

MR. DOBIAS: Second it.

ROLL CALL

MS. REGAN	AYE
MR. DOBIAS	AYE
MS. RANSOM	AYE

Respectfully Submitted By:

Frances Roth
Stenographer