

Town of Bethel
Planning Board
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In attendance: Dan Gettel Chairman, Steve Simpson, Bill Brey, David Biren, Michael Cassaro, Susan Brown Otto, Wilfred Hughson, William Thelman, Alt #1, David Slater, Alt # 2, Tim Dexter Code Enforcement Officer, BJ Gettel Asst Code Enforcement Officer, Kimberly Shaw-Rea, Attorney, Michael Weeks – Engineer, and Jannetta MacArthur – Recording Secretary

Excused: Vicky Vassmer-Simpson excused

The Town of Bethel Planning Board held a Work Session on May 12, 2009 at 7 PM at the Bethel Senior Center, 3594 State Route 55, Kauneonga Lake. A regular meeting of the Planning Board followed on the same date at 7:30 PM.

Pledge to the Flag

Dan Gettel: BJ, before we get into the meeting tonight, did the Town Board change their meeting nights?

BJ: To Wednesday nights. 2nd and 4th Wednesday's of the month.

Dan Gettel: Just so the board knows. I know some people like to go to the meetings.

Susan Brown Otto: I would like to make a comment about asking about the sign in my absence. Thank you very much.

Motion to approve minutes from April meeting by Bill Brey, second by David Biren

All in favor –7

All opposed –0

Agreed and carried

Motion to go into public hearing by Susan Brown Otto, second by Steve Simpson

All in favor –7

All opposed –0

Agreed and carried

- 1) Public Hearing for a Site Plan Review for a Bed & Breakfast to be located on 633 Hurd Road, known as Bethel Tax Map #: 11-1-30, proposed by JoEllen Fernbach. (Kask)***

Dan Gettel: BJ, you have the receipts from the mailing, correct? Is there anyone from the public who would like to make comment on this project?

Public hearing – No one

Motion to close public hearing by David Biren, second by Bill Brey

All in favor –7

All opposed –0

Agreed and carried

Dan Gettel: This is now a regular meeting. Please state your name for the record

Victor Kask: Victor Kask for David Rosenberg architecture

Dan Gettel: At the last meeting there were a couple questions, what changes were made since the last meeting, what have you addressed? The board had some sewer issues, the well, driveway.

Victor Kask: I provided the engineer with a well report; they did a 10-hour run. It stabilized @ 7 gallons a minute. They pumped almost 4,000 gallons over that period. Approximately 2.5 hours it stayed above 8 gallons a minute. Further details are on the report

Dan Gettel: Michael, do you have any comments on that?

Michael Weeks: I just received the report

Victor Kask: Eventually it will be a 6-bedroom residence; technically we would probably install some water storage – to increase the buffer

Dan Gettel: With regards to the sewer we had a couple of questions in regard about the reserve area and additional percs

Victor Kask: We went in and did deep test pits and two more sets of percs; they were very similar to the first ones.

Dan Gettel: Are they shown on the plans?

Victor Kask: Yes

Dan Gettel: 46 minutes, they are slow. It was also discussed at the last meeting that ultimately the Bldg department would approve the sewer plan.

Victor Kask: Right and I included a note at the top of the drawing stating that further details would be provided

Michael Weeks: How many bedrooms?

Victor Kask: Six ultimately, including 2 in the existing residence. 3 initially

David Biren: Michael, do you need more time than this to review it?

Michael Weeks: I just got it right now, so I'm not going to go through my comments and the plans at the meeting. You are not going to get my okay tonight

Dan Gettel: One comment that we did get from a board member is the planting at the sign. If you could try to get something more native to the area. I think this is something that is aggressive

David Biren: If that is barberry, which I think it is, we would rather see something of a more native species there. Barberry is very aggressive in most of New York State and Jersey, Connecticut, Massachusetts; most of the adjoining States don't want barberry anymore. Also, at the sign we have been asking for a raised bed of some type around the sign. There is no raised bed there. I don't know how the board feels about it. We have been asking most applicants

Victor Kask: The owner asked me to be inconspicuous about it.

Dan Gettel: I don't have a problem with that; I can see why they don't want a huge planter there.

David Biren: I understand both ways. As long as we get rid of the barberry, I am happy.

Michael Weeks: I had one additional comment from reviewing the plans provided from the last meeting. Regards to the site distance, we are lacking site distance at the left. At the last meeting you had indicated tree trimming that could be done to increase that?

Victor Kask: If the trees are trimmed it would be a longer distance to the south, the south is 310 currently estimate, it's not going to come to the 500 and something you were looking for 55 mph speed. It is an unusual condition. I don't drive that fast on those roads

Susan Brown Otto: There is a question in the minutes regarding the speed limit on Hurd Road. I happen to drive Brook Rd towards 17B the other day I noticed between Brook Road and West Shore Road it is posted 35 mph. So it is consistently marked 35 mph from Brook Road to West Shore Road and then from West Shore Road it changes when you get right at the Woodstock site it is 40 mph from there to 17B. It is a little bit crazy, but anyway, apparently the DOT won't change it to 35 mph. But I did not note from Brook Road in the opposite direction I don't know what the speed limit is. Is it 55mph? On that road, you can't go 55

Dan Gettel: I know when you are traveling north you are traveling up hill, and it is harder to see up hill. South you mentioned – you are looking downhill, you can see quite a distance.

Victor Kask: I think with the tree trimming you will be able to see further to the north. It is a straighter run

Susan Brown Otto: The other thing, I went to the site this morning, one of the things that just grabs you when you go along Hurd Road is the beauty of the trees. It's the beauty of those trees that are along Hurd Road there. I think we need to go about this carefully.

Dan Gettel: BJ, would you be opposed to either you or Timmy, I don't want you to speak for Timmy, but someone from the Building Dept, meeting them out there and finding out how you can increase the site distance without massacring the trees. I don't want 100-year pine trees to come down so they can see longer for 55 mph zone. I don't think 55 is feasible there.

Susan Brown Otto: Well, I've been to Town Board meetings where people discussed changing the speed limit and it seems like Radar Ray says something and ..., is that an option?

Dan Gettel: For the record, Susan is referring to Town of Bethel constable Ray Neuhenhoff. It would be a lengthy process. Dr. Duggan has 3 different speed limit signs.

Michael Weeks: They will do a speed study. Sometimes it doesn't warrant changing it

Dan Gettel: How does the board feel about the applicant meeting with someone from the Building Dept? Having them make a reasonable determination of what trees should be cut or trimmed?

Board is in agreement.

Dan Gettel: We also discussed the existing driveway. I see you have a note on the plan that you are going to widen to 18 ft. #2, it looks like the parking is a little better. As far as backing out of the diagonal spaces. Unfortunately the plan was submitted today and we really haven't had a chance to review. We can't really act on it; you got through your public meeting. I would suggest that we table to next meeting. If the board has any other comments, now is your chance.

Motion to table to next meeting by David Biren, second by Bill Brey

All in favor –7

All opposed –0

Agreed and carried

2) Request for an extension for the Spensieri project located on Horseshoe Lake Road, known as Bethel Tax Map #: 30-4-31.1. (MJS Engineering)

James Clearwater – Surveyor – MJS Engineering – we just recently received our approvals. The project proposes 7 lots on a private road coming off of Horseshoe Lake Road. The private road will be owned and maintained by the Homeowners Association. They will be taking care of the road, plus the drainage. There are individual wells for each lot. The sewer ties in with local district. The district would take care of the infrastructure of the sewer. The project received preliminary approval. A while ago, since then we had to submit to Health Department for approval and to DEC for sewer main extension. Both of those approvals are in hand. We just received DEC approval in March. Our preliminary runs out this month. We are requesting a 6-month extension so we can take care of the legal end of it, which is the Homeowners Association and the maintenance agreement for the road, and then we would be back for final. That is it in a nutshell

Dan Gettel: You say the HMO the person would own his or her own lot.

James Clearwater: Yes. The HMO is formed to maintain the road. That's it. Snow removal, drainage structures to keep them cleaned out. That sort of thing.

Susan Brown Otto: What about the dock? Wasn't there a dock?

Dan Gettel: That was eliminated. As far as approvals go, we can grant one more extension and if they are not done in 6 months, you will have to start over. That is what I am concerned about. We don't have an option. Any questions from the board?

Susan Brown Otto: Can we give more than 6 months?

Dan Gettel: We are locked in at 6 months.

James Clearwater: I don't know if the applicant is firm on his plans, because of the current economic situation. He would come back for complete final approval and then build on it, I

don't know if he would build the road prior to that so he wouldn't have to bond it. I'm not sure how he wants to do it. I'll be honest

Dan Gettel: Michael, if we gave them 6 months and gave him a conditional final approval, would that start the clock again?

Kimberly Shaw: If it's conditional

Dan Gettel: We could give them some relief

Kimberly Shaw: I would like to answer when he has the facts more fully developed

Motion by Susan Brown Otto, second by Bill Brey for 6-month extension

All in favor -7

All opposed-0

Agreed and carried

- 3) Application for a Special Use Permit for a 2 family residence located on the corner of East Cherry Trail and Gabriel Road, known as Bethel Tax Map#: 42-12-1.3, proposed by JoAnn Shaw. (Called at 4 PM and had application pulled from tonight's meeting)***

Applicant pulled item

- 4) Modification to a site plan and signage located at 3 Horseshoe Lake Road, known as Bethel Tax Map #: 36-1-1, proposed by Jonathan Sunshine.***

Jonathan Sunshine – owner – I believe currently you have approval on an additional roof on the gable end. We want to change that design to a metal shed roof as permanent structure. Rather than extend the building out

Dan Gettel: Just for the board's information. This was the R & B Grille – the original building included an 8 ft wide porch that ran most of the front of the building. The porch was never built. In effect, they are coming back before the board now to ask to build the porch

Jonathan Sunshine: There is a poured concrete stamp pad that is fenced in they were using as a porch. Rather than to build the extension, that they requested, they put a cranked out awning to cover that area. We prefer not to have that awning and to make the building more presentable. That shed roof will cover that patio area as a year round structure.

Dan Gettel: You had discussed this with Tim Dexter

Jonathan Sunshine: He is fine with it as far as I remember. He wants footings down 3 ft and 4 if we can go, which we have no problem doing. He wanted ledger board rather than lagged in he wanted it carriage bolted into the trusses which we have no problem doing also.

Dan Gettel: Tim had told me that he wanted more detail on an actual plan of the structure. What joists were going to be, a header, and things of that nature also, it wasn't submitted

Jonathan Sunshine: Yes, it was. It's in that file. It was 2 x 6 on the header, 2 x 8 on the ledger, the rafters were 2 x 6, and the column to support the outside edge was 6 x 6.

Dan Gettel: The reason I know about this application, Tim called me first to find out if it could

be handled in the building department. Tim and I had agreed that the building department could handle it since it was already approved with a porch. Some issues came up. I'm not sure what the differences are; Tim is not here to address it. Did you and Tim not agree?

Jonathan Sunshine: We agreed on everything.

Susan Brown Otto: What about the sign?

BJ: That will be addressed in a few minutes. We'll address this first, and then we will get to the signage.

Dan Gettel: On the site plan it was approved for an 8 ft wide porch.

Jonathan Sunshine: It will not extend past the existing fence that is there now. And it won't hang out over the sidewalk. I think it is 9 ft; 8 ft is fine for us. And the supports, the post on the outside although this shows them on the outside of the fence, they will be on the inside of the fence

Susan Brown Otto: What about in the wintertime when the snow melts and then you get ice on the sidewalk so if you have a metal roof.....

Jonathan Sunshine: It's our responsibility to keep the sidewalks clean in front of our building.

Susan Brown Otto: I've driven by there and a lot of the shops are closed there in the wintertime and then there seems to be a lot of.....

Jonathan Sunshine: You haven't driven by there when we were the tenants and we plan on being open 12 months a year

Susan Brown Otto: Okay, but it's just that I know there is an issue with ice on the sidewalks its on there, it's facing north so the snow may it just could be in terms of the question overhanging on the actual sidewalk it could be that.....

Jonathan Sunshine: It's not overhanging on the sidewalk, and according to our lease and our insurance we are responsible for keeping the sidewalks clean which would mean that that ice will not be there

Susan Brown Otto: And yet there is still ice

Dan Gettel: It was discussed at a Town Board meeting that Benjy and Jakes wanted the Town to maintain the sidewalk because no one was there to maintain it. The town said it is not the town's responsibility to maintain the sidewalk, it is the landowners. If you are going to be there, I'm assuming it is going to be better. Other years no one was there

Jonathan Sunshine: Benjy and Jakes are going to be open too. Two of those properties will be open and keep the sidewalk clean

Susan Brown Otto: Benjy and Jakes were open last year

Jonathan Sunshine: You will now know that at least two of those properties will have clean sidewalks

David Biren: Where are your garbage receptacles?

Jonathan Sunshine: There is an alleyway that leads to the water; on this side (showing) is the garbage enclosure. There is a dumpster behind the enclosure

Dan Gettel: Pointing to the right side of the building

Steve Simpson: As far as getting access to the dumpster, you don't have any overage on top of where the dumpster is located

Jonathan Sunshine: There is no covering over the dumpster. There is a gate that opens on the street side to allow the sanitation company to pick it up.

Steve Simpson: My concern is that it is an overage and then it wouldn't have the height to lift it up.

Susan Brown Otto: I forget, are there boat slips on the back?

Jonathan Sunshine: Yes, there docks out the back. They are not for rent.

Susan Brown Otto: You put them in?

Jonathan Sunshine: We had the docks put in. They are not for rent; they are just for our customers. For any customer, because Benjy and Jakes, the Fat Lady and us, have all joined our docks together

Steve Simpson: As far as the metal roof, what color is the roof going to be?

Jonathan Sunshine: Purple – to match décor inside

Steve Simpson: The building itself is what color?

Jonathan Sunshine: The building was white, it is now almost the same color as the building next door which is vacant, and it is called cypress

Steve Simpson: What is the color of the trim on that?

Jonathan Sunshine: White

Susan Brown Otto: Can you show us a sample of the color of purple?

Jonathan Sunshine: Not right now

Patty Sunshine: We have don't have a sample. If you want you can come and see the inside.

Susan Brown Otto: I'm just interested color

Patty Sunshine: The roof will come in a tin color, and then we will paint it the color purple. It isn't a loud color purple. We can give you a sample. It is a nice color, but we can't right now. Why would purple be an issue?

Dan Gettel: Kimberly, if I may, this is a project I'm not sure how we can handle. We don't really have an architectural review. I'm not sure if we can ask certain colors, certain textures

Kimberly Shaw: That's right. I'm not altogether sure why they are here. They already have approval

Jonathan Sunshine: It is modification of the existing plan, that is why, is how I understand it

Michael Weeks: If your existing plan shows

Dan Gettel: It was not originally a shed roof, it was a gable roof

Michael Weeks: But normally your site plan review unless it has specific architectural conditions in your approval, normally if they wanted to slightly alter architecture you wouldn't have to have them come back

Dan Gettel: I don't have a problem with them working with the Building Department it was where we were going with our last meeting; the fact that there is a sign involved is why I assumed they came to the Planning Board, so there are two issues. Tim, do you have a problem working it out with them through the Building Department? I know you wanted a lot more detail as far as structure goes, but that is really

Tim Dexter: I wanted the Planning Board to be aware of what is being proposed. I didn't want to be the sole.....

Dan Gettel: Tim didn't want something happening in Kauneonga Lake that the Planning Board wasn't aware of it; I think is what it really boils down to.

Jonathan Sunshine: Whatever Tim wants us to do to comply, we will be happy to do it.

Dan Gettel: As long as it is in that footprint, it is not a Planning Board issue.

Susan Brown Otto: I appreciate you coming in, but I don't like the color purple.

Dan Gettel: You might love it, Susan. Isn't there already purple on the street?

Jonathan Sunshine: Is there a building code for colors?

Dan Gettel: I don't think we have the authority to regulate colors. Vassmer's is pretty colorful right now.

Susan Brown Otto: What about the sign?

David Biren: That's the next step.

Dan Gettel: Is the board in agreement that if they stay in the footprint of the approved porch that they can work out the details with Tim through the Building Department not to have to come before the Planning Board? I don't need a motion.

Majority agrees.

Dan Gettel: We can move on to the sign if you would, please.

Jonathan Sunshine: The sign is red. It is a 1963 VW Bug. This is a cross section lengthwise of the driver's side of a '63 bug. Which the taillight and headlight is still in tact. Which will work with low voltage, so it won't blind anybody coming down the road? It is really not heavy. The steel has been removed. It is a shell. It is going to be mounted to the structure.

David Biren: Tim is the building going to be strong enough to hold it?

Susan Brown Otto: Yes, and with the snow and ice on it is it going to be strong enough

Tim Dexter: What's it made out of?

Jonathan Sunshine: It is just the tin of the Volkswagen. There is no steel in it. It is just the cross section it is only about a foot deep.

Patty Sunshine: It is just the front. I could lift it.

Tim Dexter: It is less than 100 lbs

Michael Weeks: That is part of the building permit application

Jonathan Sunshine: As far as ice and snow affecting it, there is a soffit above it. And the soffit is about 12 ft.....

Michael Cassaro: These particular types of signs have been done before, and what they are proposing to do here is no different than putting up an extruded aluminum for an electric sign, it would be treated the same way. It is just so different.

Michael Weeks: Is there writing on it

Jonathan Sunshine: It is going to have our name. Luzon Station – Eatery and Saloon

Dan Gettel: Is it illuminated?

Jonathan Sunshine: It is illuminated from the existing fixture on the building right now; the headlight and taillight will work also.

Susan Brown Otto: We are authorized to approve signs. In excess of certain signs. Does this sign meet requirement? How do you define the sign? Is it the whole car?

BJ: Because this is an unusual sign we thought it should come before the board

Susan Brown Otto: Should we have a drawn to scale?

Dan Gettel: I guess we need to know how big a Volkswagen is.

Tim Dexter: I think the question is, is it over 48 sq ft?

Dan Gettel: I would assume so.

Tim Dexter: I don't think it is any more than 48 sq feet. If you took a sheet of plywood and put it next to a VW beetle, it will probably take up more space.

Michael Weeks: We need to know the square footage

Jonathan Sunshine: That is pretty hard to do on a Volkswagen. Not sure how to quite measure that.

Tim Dexter: I would guess that it is less than 48 sq ft.

Jonathan Sunshine: About 12 ft long. They were not that big.

Michael Cassaro: It will be close.

David Biren: You are dealing with semantics

Dan Gettel: We need the dimensions so we know how to review.

Michael Weeks: If it is 12 ft long and certainly more than 12 ft tall, that is important. It is certainly more than 4 ft tall in the center.

David Biren: It will be close.

Jonathan Sunshine: Our plan to open is right around the corner. If you are saying we should measure and come back next month to present the square footage of the vehicle, then we are going to be open before we have permission to hang the sign.

Michael Cassaro: It needs to look like a Volkswagen.

Jonathan Sunshine: It is a Volkswagen

Michael Cassaro: If we treat it as if it is oversized. If we go with the concept that it is a Volkswagen.

Dan Gettel: Michael, can you look it up? I'm thinking of taking a recess.

Kimberly Shaw: The car itself is probably larger than 48 square ft. It would seem that. I thought it was going to be decorative.

Jonathan Sunshine: The signage is applied on the car. It is not a separate sign we are screwing on to the car. The sign is actually part of the car.

Michael Weeks: That is not helping your case

Kimberly Shaw: If it turns out the car is too big. Would you consider having a sign put on the car?

Motion to go to recess by Susan Brown Otto, second by David Biren

All in favor –7

All opposed –0

Agreed and carried

Motion to go back into regular meeting by David Biren, second by Susan Brown Otto

All in favor –7

All opposed –0

Agreed and carried

Dan Gettel: Kimberly and Michael you have reviewed the zoning code for the sign section. If you would like to advise us of your findings. How we should act on this?

Kimberly Shaw: First of all, I'll speak about an earlier remark made in the record, and would like to correct the record there is an actual 32 sq ft limit on certain signs. It is not 48 sq feet. The new code is 32 sq ft. However it appears that particular size limit does not apply to this project. That limit applies to free standing signs in 345-24 sub section K 1 & 2, that concern primarily signs that bear the words sold or rented, and signs advertising sales of development. So I don't believe that size limit affects this application. Clearly however, section 345-24 G, which is for commercial property owner's master signage plans,

“Business and commercial property owners are encouraged to submit master signage plans for their properties, which plans shall specify the location, dimensions, type, design and number of all signs to be erected on the property now or in the future. Such plans shall be prepared by a landscape architect, architect, sign designer, engineer or other qualified professional and shall identify existing signs, signs proposed for installation, anticipated future sign locations, temporary sign locations and the design criteria which shall apply to all signs to be erected on the property. These plans shall be adopted by the property owners, who shall agree that all signs to be constructed by them or any of their tenants or occupants now or in the future shall comply with the standards therein. A master signage plan may also be submitted for multiple properties, provided that they are contiguous.”

Sub section H – “All master signage plans shall be submitted for approval to the Planning Board which shall, in reviewing and acting upon the plans, be guided by the design review criteria provided above. The Board, in acting upon a master signage plan, may waive any of the standards contained herein relating to numbers or sizes of any signs other than pole signs and projecting signs, provided that it is satisfied the master signage plan will meet the review criteria and the specific purposes of this section. When the Board has approved such a plan, no further permits will be required for any sign which is in compliance with the plan.”

Those are the overall parameters of your authority. I am now going to read the design criteria that Design 342.24 F – for you to consider.

The following regulations shall apply to all signs:

(1)

All signs shall be immediately removed when the reasons for their erection no longer apply.

(2)

Signs shall not be permitted on the roof or above the roofline of the building to which they are attached.

(3)

No part of any sign shall project above the top or beyond the ends of the wall surface upon which it is located.

(4)

Signs other than official traffic signs shall comply with side yard setbacks as established for principal structures in the district where the sign is located.

(5)

No sign, except a public sign, visible from a public street, shall use the words "stop," "danger" or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.

(6)

No light shall be permitted that by reason of intensity, color, location, movement or directions of its beam would be a distraction or would otherwise interfere with public safety. Flashing lights shall not be permitted in connection with any sign.

(7)

No sign shall be attached to any tree, fence, utility pole or other object not intended for such use.

(8)

A portable sign shall be considered a freestanding sign and be subject to all regulations pertaining to such signs. All portable signs shall require permits, however.

(9)

No sign shall exceed in height 1/2 its distance from the highway right-of-way, notwithstanding any other height limitation which may also be applicable.

(10)

Vehicles parked in specific highly visible locations for extended periods of time so as to serve in a signage capacity shall be subject to all the requirements contained herein.

I read for the record 10 design review criteria. Not all apply to this project. Some do, some of those are ones you should consider. The Town engineer has already reviewed.

Michael Weeks: I think section 2 regarding the roofline – although it is the porch roof - based on what is provided the sign does not extend beyond the sides of the building. Lighting the board needs to be discussed, what they want to do with that. No flashing lights are permitted anything that would be a distraction and interferes with public safety. # 9 requires that the sign cannot not exceed in height half the distance from the highway right away – that is something you can use - your discretion.

Kimberly Shaw: I think for the record while we are discussing the sides, the applicant needs to put the dimensions on the record

Patti Sunshine: The size is 144 x 48 inches, – 12 inches in depth.

Michael Weeks: The other thing I would offer the board as a suggestion, Section H indicates once the Planning Board approves a master signage plan, that no further permits are necessary. I would suggest that maybe a building permit should be required based on attachments to the building and the weight of it.

Dan Gettel: Kimberly you read a section where it says an architect or an engineer - they provided an actual picture. That contended a physical thing being used. No question of what it is going to look like. I don't think an architect could shed more light on what it is going to look like.

Kimberly Shaw: I think the intent of this subsection in requiring is precisely that reason, Dan; the board has something in front of it. A depiction of what it represents what they are planning to put out there. I think you are right. The only thing missing from this particular drawing are dimensions that are scaled to the rest of the building. I think it has been acknowledged the sign is out of scale. The Volkswagen sign is larger in scale than the building. The concept is there. They have certainly given a very reasonable and illustrated idea for the board to consider. Clearly this is a design concept also. They have reduced to a drawing. Other than the difference in scale you can consider this and use your discretion to decide.

Dan Gettel: This would be the only sign on the premises, is this correct? You would be limited? We are going under the assumption this is the only sign. Is there anything on the back of the building?

Jonathan Sunshine: There is going to be a sign on the backside on lakeside, similar to what Benjy and Jakes have. Just our name, that's all. It's not a permanent structure. It is made out of canvas

Kimberly Shaw: The only question that would bring to mind is Section 4 "Signs other than official traffic signs shall comply with side yard setbacks as established for principal structures in the district where the sign is located"

Michael Weeks: As long as the sign is attached to the building

Patti Sunshine: It goes across the building. It identifies it from the water. Just like Benjy and Jakes

Kimberly Shaw: I don't think section 4 applies. You don't have any problem with setbacks then.

Michael Weeks: As long as the board is comfortable

Kimberly Shaw: I would like to clarify something I said earlier. I expect what has been given to you is adequate in a standpoint with complying with the zoning. I think it is. However, you all as board members have to feel that you can adequately access the drawing because we do have this problem with the scale. It is a fairly slight one, as I said earlier, this is a design concept. It is fairly depicted on there. That part of the evaluation is up to you. Whether or not you have enough information based upon that drawing

Dan Gettel: If the Volkswagen is 12 ft long, and you look at the building, you look at the scale of the building, assuming the door is 3 ft wide, it isn't that much out of scale

Michael Weeks: Tim thinks the building is 40 ft

Patti Sunshine: It is 48 ft long.

Michael Weeks: The building is 4 times the length of the car. I think based on the provisions in

the zoning code if the board wants additional information they would be within their rights to ask for

Susan Brown Otto: What if for an example this isn't an effective sign, and a year from now the applicant decides to change the sign, would they have to come to the Planning Board again

Michael Weeks: Yes, they would. If they want to make any changes to the sign they would have to come back to the board

Kimberly Shaw: This master signage plan pretty much locks that in. Once you approve it, they are locked in for the purposes of modification. Not only that, tenants whom they might lease the building to, will also be locked in. If there is any deviation from that it becomes a code violation

David Biren: Sign in the back, are there lights on it?

Jonathan Sunshine: There is an existing floodlight on the building. It will be below that.

Michael Weeks: It is probably important that we establish something of the signage plan of what is in the back.

David Biren: That is why I am asking this question, we have no idea what is in the back, and if we are approving something without discussing... I'm not comfortable with that

Susan Brown Otto: What about um back to the car, what about how it gets attached to the building.

Michael Weeks: That is why it requires a building permit

Susan Brown Otto: Lets say, people are walking on the sidewalk, and say heaven forbid something falls off, is there some sort of inspection that whatever is holding it in

Michael Weeks: That is why I suggested that it requires a building permit

Dan Gettel: It would be like reviewing another structure.

Jonathan Sunshine: We will come back to another meeting for the sign in the back. Hopefully next month to present that information

Dan Gettel: So that would be an amendment if we give them an approval tonight on the front, no signs in the back

Kimberly Shaw: Your master signage plan requires that you do them all at one time.

Jonathan Sunshine: Can you give us preliminary approval? '

Dan Gettel: Can we limit them to a size on the sign in the back, or he is asking can we give them a preliminary approval to allow the front to go ahead.

Michael Weeks: If you were to say the sign in the rear is less than or limited to a maximum of 32 square ft.

David Biren: We have to talk about the lighting

Jonathan Sunshine: It is existing lighting

Tim Dexter: It is a fabric sign attached to the side of the building.

Patti Sunshine: We are looking at 3 ft high and the piece of the building if I recall was 11 ft that area. The sign would be within that. It is just a guess.

Michael Weeks: Is the sign being fabricated at this point?

Patti Sunshine: Not yet, we haven't seen it yet. We will have to live with 32 ft.

Jonathan Sunshine: The rear sign is not as important as the front side. The front is important

David Biren: We can limit the back sign to 32 sq ft. We can work on this whole project so they can get to work on it. I'm not trying to hold you back. I can't speak for everyone else.

Dan Gettel: Kimberly, are we in agreement that this is an option we can pursue, limiting the size of the sign on the back of the building to 32 sq ft?

Tim Dexter: And also limiting it to a maximum of two signs

David Biren: Yes, no other signs.

Kimberly Shaw: I presume that right now the applicant is proposing as the master signage plan. The second sign, the rear of the property affixed to the wall of the rear of the building, and that they are specifying the dimension of the sign, will not exceed 32 square ft

Jonathan Sunshine: Does it matter if the sign is seasonal?

Tim Dexter: No, the code doesn't talk about seasonal

Susan Brown Otto: How does the law specifically read, is it 32 ft or less?

David Biren: We are trying to give them a fair figure

Kimberly Shaw: A limit has been proposed to them tonight. You are not held to that. If you are going to do this tonight there need to be guidelines? Code requires submission of plans. If the applicant will agree to establish parameters that relate to location, dimension, type, design and number, of all signs to be erected properly, right now we are talking about the sign in the back. I believe you can consider that.

Dan Gettel: Is the back of the building green or is it white?

Jonathan Sunshine: White. It's not going to be purple. It needs to be visible

Kimberly Shaw: The conditions so far are going to be – we need to know location, dimension, type, design, can you specify those for us on the record tonight? This relates specifically to the rear sign. We have already discussed the front sign.

Jonathan Sunshine: Rear sign will be located as you look at the building from the water on the right gable end of the building it will be constructed of materials, fabric, size is not to exceed 32 sq ft, and the type is fabric. It is just going to say Luzon Station – Eatery and Saloon. It is professionally made. Some artwork. Like Benjy and Jakes

Dan Gettel: If something happens with the business, both signs need to be removed neither one is going to project above the roofline, or above the actual wall, that is still the roofline in that case. They are going to meet side yard because they are going to be attached to building. No words like stop or danger. The only illumination of either one of the signs is going to be by the existing lighting that is on the building. No head lights, no tail lights, no dome light, no blinker left on, we don't have to worry about it being attached to trees, and it will not be free standing. The sign on the front is going to be 4 ft high and approximately 8 ft off the road. There is a section that says the setback is half the height.

Jonathan Sunshine: It is further than 8 ft off the road. It is 8ft from the sidewalk. Then the sidewalk.....

Dan Gettel: The sidewalk would be part of the road bounds. In that case we do feel that the sign on the front of the building is going to be within the limits

Michael Weeks: It probably does not meet that

Dan Gettel: But that is something that we can waive

Kimberly Shaw: Just for the record, if 1 /2 distance from the highway right away

Tim Dexter: This will be in front of the new proposed building. From the porch – 8 ft from the right of way

David Biren: It just makes it

Kimberly Shaw: I don't think this particular Volkswagen can be considered a vehicle.

Dan Gettel: Those are the limitations that the Planning Board and the zoning code would place on the signs. I don't know if the board members have any other concerns or questions about the signs. Another condition is that the Building inspector at least looks at how you would make the attachment and go through the building permit application.

Jonathan Sunshine: Would this be part of the same application

Michael Weeks: I would suggest you make that part of that application.

Tim Dexter: The construction of the addition plus the sign installation

David Biren: The porch itself can we request ice breakers

Dan Gettel: I think that the metal roofs you are going to put up have something as icebreakers

Jonathan Sunshine: It is standard on a tin roof. On a house, Tim will correct me if I am wrong; you only need on egress, but on this because it is the whole width

David Biren: We would like it on the entire roof

Susan Brown Otto: Will the water run off on the sidewalk? Do you need gutters?

Dan Gettel: I think it is in their best interest to put one over the door. But that is up to them. Any other comments from the board? Before we make a motion on this application?

Susan Brown Otto: For the record, if there is any change do they have to come back?

Dan Gettel: If there is any change to the sign, or location you have to come back. You are locked into these two things.

Motion to accept by David Biren, second by Mike Cassaro to approve with the conditions discussed.

Roll Call Vote:

Mike Cassaro – Y

Susan Brown Otto – Y

Dan Gettel- Y

David Biren – Y

Bill Brey – Y

Steve Simpson – Y

Wilfred Hughson – Y

Agreed and carried

5) Administrative:

Public Hearing Notice from Town of Liberty Planning Board.

BJ: Camp Yeshiva on the Swan Lake Bushville Road is putting on an addition to their dining hall. 30 ft by 39 ft. Because this project is within the 500 ft radius in the Town of Bethel, and the Town of Bethel falls within that 500 ft radius, we had to be notified. So all that we looking for is a recommendation from the board to allow the Town of Liberty to be lead agency and that we have no issues or problems for them to be lead agent regarding seqr.

Motion for Town of Liberty Planning Board to act as lead agent for Camp Yeshiva by Bill Brey, second by Susan Brown Otto

All in favor –7

All opposed –0

Agreed and carried

Motion to adjourn by Steve Simpson, second by David Biren

All in favor – 7

All opposed –0

Agreed and carried

Adjourned 9:05 pm

Respectively submitted,

Jannetta MacArthur

Jannetta MacArthur

Recording Secretary