



43 Charlie: The brightness of the sign changes automatically with the time of day and we can regulate the  
44 intensity by the time of day also. So if we have to go down to 150 nits at night it will go down to 150 nits at  
45 night. The sign can be made compliant with the zoning laws.

46 Anthony G: When would the evening hour begin?

47 Charlie: I think we would want to discuss that with the sign company because the 150 nits would be total  
48 darkness, it would modulate down to that from dusk until dawn. During the day it has to be at its optimum  
49 because of the sunlight intensity otherwise it would be washed out.

50 Anthony: It may ease the concern of the neighbors.

51 Charlie: Tonight I passed around a photometric sketch of the brightness of the sign, in terms of intensity of the  
52 percentage of 0 to 100, and how that changes in relation to the viewing angle. It is 100% if you are looking  
53 straight on, but like a flat screen TV, the viewing angle changes the intensity and brightness will change.  
54 If you are at 35 degrees from perpendicular you are into the 25% brightness range.

55 John: Do we know the degree angle from Mrs. Bacchi residence?

56 Charlie: We spent some time checking and it is in the 30 to 35 degree range. The brightness at that range will  
57 be 25% of 150 nits.

58 The Board discussed nits and lumens and their corresponding ratio, concluding that 150 nits is equal to 13.934  
59 sq. ft.

60 Peter: This is less than your standard LCD screen.

61 Rob Stout: Is this a 24 hour operation? And the proposal is that the sign will go down to 150 nits at night  
62 time.

63 Charlie: Yes.

64 Rob: From an enforcement perspective is there a way that the inspector would be able to tell, from an output,  
65 what the reading is set at if there was a dispute over the brightness?

66 John: According to the literature from the manufacturer I think it can be programmed to show an output or a  
67 display.

68 The floor was open to the public.

69 Susan Bacchi of 82 Grand Street: Mr. Pavese asked me last time if I could provide pictures of the Mobil  
70 Station so you can see what we are surrounded by. (Pictures were pass around but were not submitted for the  
71 file) I also have photos of the car wash and if you notice the bays are lit. The bays are lit all night every night.  
72 Mr. Scott has mentioned the last time that car washes are an impulse thing. Personally I have never gone to  
73 the car wash on impulse, I plan this for a Saturday or something and I do not know who is washing their car in  
74 the middle of the night. I find it unusual that you need to have a huge, ever changing sign to advertise in the  
75 middle of the night. When we bought our house in 1989 the Mobile station was a pet store, Casa Mia was  
76 across the street where the bank is now and the car wash existed however they did not have everything lit up  
77 all of the time, everything is lit up all around us all of the time. I think I heard that this was given a negative  
78 recommendation from the County and I think that says something. Correct me if I am wrong.

79 Rob: That is true.

80 Susan B: Judging by your literature here the code is intended to protect the property values and enhance the  
81 Town esthetics; I do not feel that this sign meets that. There are two open signs on the side, the four bays are  
82 lit and I don't know if more bays will be lit but between that and a larger sign that goes against our Town code  
83 and goes against the recommendation of our County, when is enough enough? I feel this takes away from the  
84 esthetics of our community and I know it takes away from my property value.

85 The Board discussed the photos Mrs. Bacchi had. Mrs. Bacchi suggested that the Board go wash their car at  
86 midnight to see how bright it is.

87 Paul G: I am not trying to make good news bad news or bad news good news but the car wash is in a  
88 commercial zone.

89 Susan B: My argument is that this is asking for something beyond what the code permits. If I knew that the  
90 light from the Bank (Sawyer Savings) sign was going to be streaming through my windows I would have been  
91 here at all of those meeting too. None of this was an issue when we bought our house.

92 Mr. Robert Bacchi: Can you explain to me why the lights on the bank, car wash and the other businesses up  
93 and down the corridor between Rt. 299 and the bridge ramp need to be bigger and brighter and higher than  
94 each other. It is like a competition now. The Bank with just the lights outside, that should be sufficient; you  
95 do not need all of the lights inside, one or the other. At the last meeting Mr. Scott made a point that the lights  
96 at night help to encourage last minute business. Can you clarify?

97 Charlie Scott: It is not just at night, the car wash industry in an impulse purchase type industry. There are  
98 some people who are there every Saturday or every Sunday, and we are grateful for their business, but the  
99 great majority of folks who come into a car wash, particularly an automated car wash, do so on impulse which  
100 is what the industry literature seems to suggest. We are on the major North-South artery in this community,  
101 where 50% of the traffic is concentrated it is imperative in order to make this business profitable and  
102 sustainable we capture that market. It is the norm of the car wash industry to be open 24 hours a day. This car  
103 wash was open 24 hours a day before we purchased it. We will go in there at 6:00am and the bay floors will  
104 be wet because people were using the car wash overnight. There are commuters whose normal hours are until  
105 12:00 in the evening, who may sleep during the day.

106 Susan B: What can we do in our community so that our signs are limited to a certain criteria?

107 Rob: This is just about this one sign.

108 Susan B: To us this is not just a sign; it is all this on top of a sign. It is the compilation of everything that is  
109 going on around our home in recent years and it does take away from our property value.

110 Elaine Rivera: Mr. Scott I have a question and I disclosed last time that I am an abutting property owner, so  
111 my question is as an abutting owner, why does it need to have a 17 ft. variance?

112 Charlie Scott: We need the 14 ft. underneath, as discussed earlier, which means whatever the sign is has to be  
113 above that. There is no way that we could have a sign that is adjacent to Route 9W that is code compliant.  
114 When the State took away the frontage of this car wash to widen Route 9W it brought the right of way right up  
115 to our curb, we do not have any other place to put the sign in a way that would be out of the way of traffic and  
116 low enough so that it would not be an obstacle.

117 Susan B: Is it just the fact that because it is an LED sign, it cannot replace whatever sign is already there, that  
118 already received a variance. Why does it have to be bigger?

119 Charlie: Because we are now in the 21<sup>st</sup> Century and that sign was put there in the 20<sup>th</sup> Century and the  
120 economics of the type of operation and the technology that exists today did not exist 25 to 30 years ago when  
121 that sign was put up.

122 Susan B: And yet the car wash has managed to exist since we have lived in this community (1989), and was  
123 probably there before.

124 Charlie: It was not a car wash that many people wanted to patronize.

125 Paul G: Let's get back to the issue, the issue is the sign. We appreciate all of the comments.

126 Susan B: I would like to point out that when he spoke (referring to Charlie Scott), he sat up here alone, I was  
127 not afforded that luxury.

128 Paul: Did we ask you to come up and give your comments?

129 Susan B: You did. He was given his time by himself; we were not afforded that luxury.

130 Paul S: You can speak more.

131 Susan B: No I have said everything I wanted to say.

132 Paul S: Would Mr. Bacchi like to add anything?

133 Robert Bacchi: I would like to keep the meeting open until I hear what the County had to say.

134 The Ulster County Planning Board comments were read. (See attached)

135 Robert Bacchi: I hope that you take into consideration everything that has been said. To me it is pretty  
136 interesting that it is a 283% size changes.

137 John: That is not necessarily the size change because there is a sign there with the same bottom elevation of  
138 14 ft. as the proposal. The existing sign does not extend as high as the proposed sign but the bottom elevation  
139 of the sign remains the same. The new code calls for a monument style sign of 6 ft. with the base; he does not  
140 have that now and according to Mr. Scott and what was reviewed at the last meeting there is no way for him to  
141 achieve that in this parcels configuration. His ingress and egress occupy the same space that the monument  
142 sign would so therefore he is going for a variance for an elevated sign.

143 Robert B: Is the new proposed sign taller than the current sign?

144 Paul G: Yes.

145 Robert B: I am reading here that he is requesting a 17 ft. variance.

146 Paul G: Over the new code, he already has a sign.

147 Susan B: I am guessing that they changed to the monument sign for aesthetic purposes of the Town.

148 Paul G: Yes. Applicants come to the Zoning Board so we can make allowances for people who don't meet the  
149 code where we can make exceptions within reason.

150 Robert B: Important statement there, within reason.

151 A **Motion** to close the public hearing was made by Paul Symes, seconded by Alan Hartman. All ayes.

152 John: Is there any way to reduce the size of the sign from 57.2 to make it closer to compliant?

153 Charlie Scott: I wish there were because it would be less of an expense to me. The reason we are going with  
154 this LED Company is because they offer a product that is superior to the Watchfire product. When the Town  
155 was considering it's criteria for LED signs it wanted to impose a more restrictive requirement on the size of the  
156 LED pixels. The standard for road signs in the industry is 19 mm, the better configuration is 16 mm. This will  
157 be a 16 mm sign which actually exceeds the code requirements.

158 Paul G: You have the Car Wash Logo on top, if you had the bottom on the LED sign programmed to say Car  
159 Wash you would be able to eliminate 3 feet.

160 John: The actual sq. ft. of the LED sign is 35.

161 Charlie: Yes.

162 John: What you are adding is the non LED sign saying Car Wash on the top. Is there any way to reduce the  
163 size or change the configuration of the Car Wash sign on top of the LED to become more compliant?

164 Charlie S: I can speak to the sign company and look into that but we cannot change the size of the LED sign  
165 because this is the configuration offered by the company.

166 John: I understand that.

167 Charlie: And in response your question (to Paul G) if we just put car wash on the bottom of the LED sign  
168 making it a combined sign, there will be a safety issue there because whatever message we wanted to project  
169 would be smaller or more congested. We are not looking to clutter the LED sign with a lot of information.  
170 We want to leave the LED sign and optimize its use in a safe manner and then we need our logo on top.  
171 The Board discussed sign sizes and measurements of nits and lumens.

172 John: (to Charlie Scott) Right now you are only 7.2 sq. ft. over the 50 sq. ft. maximum sign size if you can, get  
173 some reduction because the neighbors do have a legitimate concern, it is a big sign.  
174 You addressed the lighting glare of the sign in showing the reduction of light as the percentage of glare goes  
175 down the more you are angled away from the sign. So this light will be reduced by 75% due to the angle of  
176 your house (to Mr. & Mrs. Bacchi).

177 Charlie: In quantative terms this will be equivalent to a little over 4 lumens at night.

178 Peter P.: Which 4 lumen represents a dimly lit parking lot.

179 Peter: I have a question about the top portion of the sign that says car wash, is that part illuminated?

180 Charlie: Yes, from the inside.

181 Peter: Now that would have the same 150 nits?  
182 Charlie: Or lumens by conversion, I will have to talk to the sign company about that. Is the zoning ordinance  
183 with respect to non-LED signs the same as LED signs for brightness? We want to be code compliant.  
184 The Board discussed how often the sign will change.  
185 John: would you be willing to entertain that when it does change to the 150 nits during the night time hours to  
186 keep it at a static sign?  
187 Charlie S: I think that is something we would entertain, absolutely.  
188 Rob: It sounds like the applicant might be willing to voluntarily agree to not change it during the evening.  
189 Paul: So we will be looking for the applicant to look into getting a smaller logo sign for the top of the LED  
190 sign and find out if when the LED sign dims, will the top logo portion of the sign dim also. The applicant has  
191 also agreed to keep the sign static when the LED is lowered to the 150nits.  
192 Alan: I would like to point out the base of the sign is approximately 4 ft. over the road so the sign will be  
193 actually 14 to 18 feet off of the road. And another suggestion, which I had last time, was maybe you want to  
194 consider moving the sign North, also consider having it one sided facing North with something on the building  
195 that can be shielded from the neighbors across the road.  
196 Charlie: I think the most important aspect of the sign in terms of supporting this business is the signage to the  
197 south because it is there that we capture the IBM traffic coming home, the end of the work day traffic coming  
198 home from Poughkeepsie coming home from Newburgh and that is a big component of this business. I took to  
199 heart your comments from last time; we spent a lot of time looking at the location of this sign.  
200 Paul: We will take all of your concerns and comments into consideration.  
201 Rob: Now that the public hearing is closed the decision must occur in 62 days or technically it's effective two  
202 regular meetings the Board has to make a decision.  
203 Rob: In looking at the Environmental Form I see a few things are wrong so maybe you want to start with a  
204 new form.  
205 The applicant will submit a new Environmental Form.

206  
207  
208 **New Business**

209  
210 **Breitmaier, Rene, Use Variance; 32 Sharon Dr, SBL#95.11-1-1.100, in A & R1 zone.**

211 The applicant would like to add a second single family dwelling on to their 8.2 acre lot that was to remain as  
212 one single lot of open space as part of a cluster subdivision done in 1974 and revised in 1979 having been  
213 granted permission to dissolve the homeowners association and make this parcel one buildable lot.

214 The applicants, Rene Breitmaier, her son Jeremy and is girlfriend Gina were present for the meeting.

215 The Board reviewed older subdivision maps.

216 Anthony: Back in 1974 a cluster development was done with lots left as open space for the cluster  
217 development. In 1979 the owners of the subdivision ran into problems, went back to the Planning Board and  
218 were given permission to establish the open space as buildable lots. In the minutes it was stated that there was  
219 to be no future subdivision of the lot. The applicants came in to the Building Department and requested a  
220 second dwelling unit in the R1 and A zone. You are only permitted to have one dwelling unit per parcel.

221 The applicants submitted a survey done in 1984 showing a proposed single family dwelling which was built in  
222 1985 and is currently there. Their survey does not depict the No Future Subdivision of This Lot clause which  
223 is shown on the previous subdivision map.

224 Mrs. Breitmaier: A requirement to build the house was to have it resurveyed, when that was done there was no  
225 documentation like shown on those maps that say this is not subdividable.

226 Rob: That is just the survey you had performed.

227 Mrs. Breitmaier: Yes but it was filed with the county and it went to title insurance and this never came up.  
228 Jeremy: How as a homeowner is we suppose to be aware of any of this?  
229 Paul G. spoke about potential buyers of properties and aspects of 'buyers beware', noting that if it is on the  
230 filed subdivision he thinks the Board would have a hard time granting another subdivision.  
231 Rob: It may be helpful if you look into your title insurance policy.  
232 Paul: Restrictions should be put into the title insurance. I just bought a piece of property and gave our deed  
233 and survey map to the lender and they came back and wanted to see the subdivision map. The lender was  
234 more thorough than I was.  
235 Mrs. Breitmaier: We had attorneys, the whole nine yards and everything.  
236 Clarification was given to the Breitmaiers' that the map that they have is a survey and the map on which No  
237 Future Subdivision of Lots was printed is on a subdivision map. The survey just shows that a house was  
238 constructed on the land.  
239 Gina: If there is adequate land and road frontage what is the reason that they would not do a subdivision on  
240 this parcel?  
241 Rob: I think there are two questions here; the first question is why can't we do a subdivision here and the  
242 answer is this document here (referring to the filed subdivision). The second question is why can't we do it  
243 today; which is why you are here so we can explain the different justification of why this makes sense and  
244 figure what context that is in, whether it's a use variance or some other form of reconsideration of that  
245 previous decision to remove that condition that is binding everyone today. We need to put a little bit of work  
246 into that issue to figure out if and how that can happen.  
247 Gina: Part of the research we did we came to find that all of the houses in that area have 1/2 acre.  
248 It was explained to the Breitmaiers' that this area is one acre zoning meaning each lot needs at least one acre to  
249 put a house on it, what makes it a cluster subdivision is that the lots were cut up into 1/2 acre lots for the  
250 purpose of selling and the remaining land was set aside as open green space to make up the acreage for each of  
251 the lots less than the one acre minimum.  
252 Elaine: I think the best thing for you to do is to try to subdivide your property so that you have two lots and  
253 then you can put a house on the second lot. If you want a 1200 to 1500 sq. ft. house, your best bet is a  
254 subdivision this square footage is pretty excessive for an accessory to your house now.  
255 Mrs. Breitmaier: Is there a possibility here, to get a variance to build a second dwelling?  
256 Elaine: You would have to show that you cannot use your property for what it is zoned for.  
257 John: To get a use variance is very difficult to do.  
258 Rob: You would be seeking a variance to override the code for permission to have two dwellings on one lot  
259 and that is difficult to do.  
260 Rob S. will research who would actually override or amend the No Future Subdivision on the parcel so that the  
261 applicant could possibly achieve their proposal by means other than a use variance.  
262 Rob: In the next two weeks I should have some information on what the best path would be for the applicants  
263 to take.  
264 A **Motion** was made to table this application was made by Paul Gargiulo, seconded by Paul Symes. All ayes.  
265

## 266 **Administrative Business**

267  
268 A **Motion** to accept the Zoning Board Minutes, as amended, from the March 11, 2016 meeting was made by  
269 John Litts, seconded by Paul Symes. All ayes.

270  
271 A **Motion** to adjourn was made by Paul Gargiulo, seconded by John Litts. All ayes. 8:32pm