

STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH ZONING BOARD

-----X

In the Matter of

CHESTNUT PETROLEUM DISTRIBUTOR,  
#1417 Route 9W  
Marlboro, New York 12542

TAX PARCEL: SECTION 109.1; BLOCK 4; LOT 14 (HD ZONE)

-----X

SPECIAL MEETING

Date: February 13, 2017  
Time: 6:00 p.m.  
Place: Town of Marlborough  
Town Hall  
#21 Milton Turnpike  
Milton, New York 12547

BOARD MEMBERS: WILLIAM GIAMETTA, CHAIRMAN  
JEFF MEKEEL  
DAVE ZAMBITO  
LENNY CONN  
GEORGE SALINOVICH

RONALD C. BLASS, JR., ESQ.

THOMAS CORCORAN, JR. BUILDING INSPECTOR/CODE  
ENFORCEMENT

PENNY E. CASHMAN, ZONING BOARD SECRETARY  
APPLICANT'S REPRESENTATIVE: LEO NAPIOR, ESQ.  
SCOTT PARKER, DIRECTOR OF FACILITIES

-----X

## CHESTNUT PETROLEUM DISTRIBUTOR

would clearly explain the concerns here --

MR. NAPIOR: Sure.

CHAIRMAN GIAMETTA: -- to us  
and the audience.

MR. NAPIOR: Thank you for  
having us back, which I'm sure you were  
hoping not to see us again. But as the  
process plays forward since you last saw us  
with the planning board, it was raised that  
signage package required some variances from  
your sign ordinance, which is rather  
restricted. The building inspector made a  
determination that the signage package we  
have proposed on the site doesn't comply. I  
believe the code only allows one  
identification sign per site, and that sign  
is limited to 32 square feet. Throughout  
the site, depending on what you count as  
signs or not as signs, we have a maximum --  
potential maximum of 15 signs, six of those  
are limited to small directional signs for  
the Dunkin Donuts component of the project,  
so they're under 3 square feet each. It's  
an enter here, exit here, drive thru this

## CHESTNUT PETROLEUM DISTRIBUTOR

the -- the major canopy on both ends. Those Mobil logos are 14 square feet each. They total 56 square feet.

CHAIRMAN GIAMETTA: Inlaid into the canopy.

MR. NAPIOR: Inlaid in the fascia of the canopy. Then, in addition, we have some signage on the building, a Pegasus sign for the Mobil logo and then a Dunkin Donuts sign on the other side of the building. Finally, there is a, what they call a blade sign. It's basically a coffee cup that hangs off roughly approximately to the drive thru window.

And so with that, I think that covers all of the signs, so depending on what you count or don't count, there is 15 total signs. We included everything. That totals up to 225 square feet of signage. And then I believe the building inspector also made a determination that signs themselves are accessory structures, and therefore there is a -- we've actually previously were granted a variance for the accessory

## CHESTNUT PETROLEUM DISTRIBUTOR

to be on your March 9th meeting for a public hearing date.

CHAIRMAN GIAMETTA: Before we get into the meeting date, you mentioned 60 square feet. Is that on one face of that sign?

MR. NAPIOR: That is, yes, per face.

CHAIRMAN GIAMETTA: Per face?

MR. NAPIOR: Yes. So it's approximate 5 by 12, roughly -- little bit wider than 5, little bit less than 12.

MR. ZAMBITO: So that entire sign is 60 square feet?

MR. NAPIOR: Per face, yes.

MR. ZAMBITO: And you mentioned 15 total signs. Out of which 15, are there any that require safety by the state or by some agency? In other words, enter, entrance, slow, anything similar to that that needs to be there?

MR. NAPIOR: Not including in this package is our directional signage, traffic signage by the state, so for stop,

## CHESTNUT PETROLEUM DISTRIBUTOR

we're working with the 155-28 section on the current code?

MR. BLASS: Correct.

CHAIRMAN GIAMETTA: Sub-section C states that for each 250 feet of frontage, it appears that 32 square feet of signage is permitted. Do you read it that way, Mr. Napior?

MR. NAPIOR: Yes, I do.

CHAIRMAN GIAMETTA: Is that how you read it?

MR. SALINOVICH: Yes.

MR. NAPIOR: I'm familiar with the section.

CHAIRMAN GIAMETTA: What do you have, about 400 some linear feet there?

MR. NAPIOR: We're a tad shy of 500.

CHAIRMAN GIAMETTA: A little short of 500?

MR. NAPIOR: Yes.

CHAIRMAN GIAMETTA: So, the number of apparent requests for variances could be summarized in what way, Mr. Napior,



## CHESTNUT PETROLEUM DISTRIBUTOR

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN GIAMETTA: Sorry  
about the time mix-up, but you're here, that  
is what counts. Chestnut Petroleum is  
before us with their sign presentation.

MR. NAPIOR: I would note one  
other thing, aside from the pricing sign  
that is up close to the street and the Mobil  
logos that are on the canopies, the majority  
of the signages on or around the building,  
which is set rather far back from the road,  
so while there is signage, it's not like  
it's up in everyone's face.

MR. BLASS: So there is a  
subdivision, E2, of 155-28, which deals with  
attached signs, and states that they shall  
not project more than 3 inches in the  
direction of the street apparently from the  
facade of the building. So there is some  
implication in that section that attached  
signs are municipal.

CHAIRMAN GIAMETTA: A mention  
was made of the signs being accessory  
structure. I'd like to ask Inspector  
Corcoran, do you agree with that

## CHESTNUT PETROLEUM DISTRIBUTOR

exception to the rule of referral of this variance application to Ulster County Planning because it's on Route 9W.

CHAIRMAN GIAMETTA: What is their approximate turnaround time on that?

MR. BLASS: Well, you know, by statute it's 30 days, so today is February 13th, the public hearing would be March 9th, a little shy of 30 days, but I believe that the Ulster County Planning Board meets in the first week of each month to take action, and I believe the Ulster County Planning Board has already weighed in on the issue of signs, and may just be republishing or reprinting what is already said in connection with the variance application. So one of the reasons for pushing out a public hearing until March 9th is to give the Ulster County Planning Board the statutory opportunity to comment.

CHAIRMAN GIAMETTA: Thank you.

MR. CONN: Question.

CHAIRMAN GIAMETTA: Yes.

## CHESTNUT PETROLEUM DISTRIBUTOR

MR. NAPIOR: Yes. My client is looking at me. It's actually smaller than that.

MR. PARKER: This one is actually smaller. When we went to the flag design, which we originally proposed, to the monument sign, we actually brought it smaller than. So it's actually smaller than the typical Exxon Mobil sign.

CHAIRMAN GIAMETTA: So to clarify, when we were first before the planning board, and we got an initial round of the county planning comments, they asked for consideration to switch to a monument style sign. That original sign was a free standing pole, I believe, from memory. That was 82 square feet per face. This one has shortened down a little bit.

MR. BLASS: So, Mr. Napior, there has been reference to 115- -- 155-16 of the town code regarding the yard regulations. Do you wish to amend your variance application to include any relief you might need from 155-16?



## CHESTNUT PETROLEUM DISTRIBUTOR

question?

MR. BLASS: So that is an implicit request for you to suspend the rules.

CHAIRMAN GIAMETTA: I'm sorry?

MR. BLASS: That is an implicit request for you to suspend the rules to allow public comments, since this is not public hearing.

CHAIRMAN GIAMETTA: As you know --

MR. RUSK: It's just a question. It's not a comment.

CHAIRMAN GIAMETTA: It's a question, not a comment.

MR. RUSK: Is there an application before the ZBA for a variance?

MR. NAPIOR: Yes.

MR. RUSK: Do we know when that was filed?

CHAIRMAN GIAMETTA: Mr. Blass?

MR. BLASS: Well, it's dated

## CHESTNUT PETROLEUM DISTRIBUTOR

MR. SALINOVICH: Aye.

MR. MEKEEL: I'm going to abstain since I was 15 minutes late. So I didn't hear everything from the beginning. That might be the wrong thing to do.

CHAIRMAN GIAMETTA: Okay. I will vote aye for the public hearing. Mr. Zambito?

MR. ZAMBITO: Aye.

CHAIRMAN GIAMETTA: Mr. Conn?

MR. CONN: Aye.

CHAIRMAN GIAMETTA: So we next are going to meet on March 9th at 7:00 p.m., not 6:00 p.m. 7:00 p.m.

MR. NAPIOR: Thank you all for your time.

CHAIRMAN GIAMETTA: We will see you then.

oOo

(Time noted: 6:25 p.m.)