

COPY

1

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

1 CHESTNUT PETROLEUM DISTRIBUTOR

2 would clearly explain the concerns here --

3 MR. NAPIOR: Sure.

4 CHAIRMAN GIAMETTA: -- to us
5 and the audience.6 MR. NAPIOR: Thank you for
7 having us back, which I'm sure you were
8 hoping not to see us again. But as the
9 process plays forward since you last saw us
10 with the planning board, it was raised that
11 signage package required some variances from
12 your sign ordinance, which is rather
13 restricted. The building inspector made a
14 determination that the signage package we
15 have proposed on the site doesn't comply. I
16 believe the code only allows one
17 identification sign per site, and that sign
18 is limited to 32 square feet. Throughout
19 the site, depending on what you count as
20 signs or not as signs, we have a maximum --
21 potential maximum of 15 signs, six of those
22 are limited to small directional signs for
23 the Dunkin Donuts component of the project,
24 so they're under 3 square feet each. It's
25 an enter here, exit here, drive thru this

1 CHESTNUT PETROLEUM DISTRIBUTOR

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

5 CHAIRMAN GIAMETTA: Inlaid
6 into the canopy.

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

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

1 CHESTNUT PETROLEUM DISTRIBUTOR

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

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

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

10 CHAIRMAN GIAMETTA: Per face?

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

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

16 MR. NAPIOR: Per face, yes.

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

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

1 CHESTNUT PETROLEUM DISTRIBUTOR

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

4 MR. BLASS: Correct.

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

10 MR. NAPIOR: Yes, I do.

11 CHAIRMAN GIAMETTA: Is that
12 how you read it?

13 MR. SALINOVICH: Yes.

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

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

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

20 CHAIRMAN GIAMETTA: A little
21 short of 500?

22 MR. NAPIOR: Yes.

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

1

CHESTNUT PETROLEUM DISTRIBUTOR

2

CHAIRMAN GIAMETTA: Sorry

3

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

6

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.

14

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.

22

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

1 CHESTNUT PETROLEUM DISTRIBUTOR

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

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

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

22 CHAIRMAN GIAMETTA: Thank
23 you.

24 MR. CONN: Question.

25 CHAIRMAN GIAMETTA: Yes.

1

CHESTNUT PETROLEUM DISTRIBUTOR

2

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

5

6

7

8

9

10

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.

11

12

13

14

15

16

17

18

19

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.

20

21

22

23

24

25

MR. BLASS: So, Mr. Napier,
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?

1 CHESTNUT PETROLEUM DISTRIBUTOR

2 question?

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

6 CHAIRMAN GIAMETTA: I'm
7 sorry?

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

12 CHAIRMAN GIAMETTA: As you
13 know --

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

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

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

20 MR. NAPIOR: Yes.

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

23 CHAIRMAN GIAMETTA: Mr.
24 Blass?

25 MR. BLASS: Well, it's dated

1

CHESTNUT PETROLEUM DISTRIBUTOR

2

MR. SALINOVICH: Aye.

3

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.

7

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

10

MR. ZAMBITO: Aye.

11

CHAIRMAN GIAMETTA: Mr. Conn?

12

MR. CONN: Aye.

13

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.

16

17

MR. NAPIOR: Thank you all for your time.

18

19

CHAIRMAN GIAMETTA: We will see you then.

20

oOo

21

22

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

23

24

25