

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, March 7, 2011 at LaGrange Town Hall, 120 Stringham Road at 7:30 p.m. Chairman Paul Bisceglia called the meeting to order. Board members Nancy Swanson, Aaron McPeck, Marc Komorsky and alternate Mark Christenson were present.

Mr. Komorsky made a motion to accept the minutes of February 7, 2011 as corrected. Ms. Swanson seconded and the motion carried unanimously. MINUTES ACCEPTED.

**OLD BUSINESS**

06-10-01 AREA VARIANCE: ORANGE COUNTY – POUGHKEEPSIE LIMITED PARTNERSHIP dba VERIZON WIRELESS, ROSSWAY ROAD, PLEASANT VALLEY, NEW YORK (OWNER: MARIA IOZZO) Grid No. 6562-03-370380 Seeking relief from Chapter 240-28 Schedule B, Chapter 240-49 G.(2), (5) in order to locate a wireless monopole with a proposed height of 136', and a setback of 231' from side yard and 341' from rear (tower) and 300' (accessory structure)

Mr. Bisceglia made a motion to open the public hearing. Mr. McPeck seconded and the motion carried unanimously. Ms. Swanson made a motion to adjourn the application without date. Mr. McPeck seconded and the motion carried unanimously. This application will be re-advertised if and when Verizon asks to be put on the agenda. PUBLIC HEARING ADJOURNED WITHOUT DATE

09-10-01 JOHN BARGER AREA VARIANCE, POND GUT ROAD, PLEASANT VALLEY, NEW YORK Grid No. 6562-02-819904 Seeking relief from Chapter 240-28 Schedule B which requires a minimum width of lot of 100' in order to carry out a 3-lot subdivision where Lot #2 and Lot #3 are proposed to have a minimum width of lot of 50±.

This application is adjourned awaiting a SEQR determination from the Planning Board.

2-11-03 AREA VARIANCE: JEN DUNN, BUSINESS RESOURCE DEVELOPMENT, 460 FREEDOM PLAINS ROAD, POUGHKEEPSIE, NEW YORK, Grid No. 6261-04-999267 Seeking relief from Chapter 240-29 G.(1) in order to construct a 550 sq.ft. addition to an existing nonconforming building; seeking relief of 3' from Chapter 240-28 Schedule B which requires a side yard setback of 20' with a proposed setback of 17'; seeking relief from Chapter 240-42 J. Offstreet Parking Requirements which requires 1 parking space for each 175 sq.ft. of ground floor area for business and professional office use (17 spaces required) in order to allow 13 parking spaces.

Applicant Jenn Dunn was present.

Mr. Bisceglia said the application was adjourned at the last meeting because a response had not been received from the Dutchess County Department of Planning & Development. A response has now been received stating this is a Matter of Local Concern.

Mr. Christenson made a motion to re-open the public hearing. Ms. Swanson seconded and the motion carried unanimously. There being no public comments, Mr. Komorsky made a motion to close the public hearing. Mr. Bisceglia seconded and the motion carried unanimously. PUBLIC HEARING CLOSED

Mr. Bisceglia made a motion to grant Jen Dunn of Business Resource Development relief from Chapter 240-29 G.(1) in order to construct a 550 sq.ft. addition to an existing nonconforming building; relief of 3' from Chapter 240-28 Schedule B which requires a side yard setback of 20' with a proposed setback of 17' and relief from Chapter 240-42 J. Offstreet Parking Requirements which requires 1 parking space for each 175 sq.ft. of ground floor area for business and professional office use (17 spaces required) in order to allow 13 parking spaces. Mr. McPeck seconded and the motion carried unanimously. AREA VARIANCES GRANTED

### **NEW BUSINESS**

3-11-01 AREA VARIANCE: PAGE PARK ASSOCIATES – PLANET FITNESS, RTE 55/TACONIC PARKWAY Grid No. 6460-02-945946

Seeking relief from Chapter 240-43 D.(5)(d) Table 3 which permits a maximum of 10% of surface area to a maximum of 50 sq.ft. for a façade or wall sign in a C-2 zoning district in order to install a wall sign that is 143 sq.ft.

Applicant Kelly Libolt of Page Park Associates was present to represent the application. Ms. Libolt was sworn in by Mr. Komorsky.

Ms. Libolt explained that they are currently under construction to build a 20,000 sq.ft. Planet Fitness at the back of the site. Route 55 fronts the property and the Taconic Parkway borders it on the west. Ms. Libolt indicated on the plan some other buildings that would need Planning Board approval at different stages. The whole property is 14 acres but more than half of the site to the east is wet and remains wooded which blocks a significant part of the site for people traveling west. The other side of the site is the Taconic State Parkway which has a significant grade difference. Ms. Libolt is requesting a variance from town code to allow a larger wall sign than is permitted in a C-2 zoning district. The building is set back about 560 feet from Route 55. The finished grade of the building is also about 6' lower than the road. Ms. Libolt said she had provided an elevation of the sign showing what the letters would look like from Route 55. The majority of the justification for the request is because the building is set so far back from the road. Ms. Libolt continued that a maximum of 50 sq.ft. is permitted, however for a corner lot you are permitted 2 wall signs. The second sign on the corner wall is permitted to be 2/3<sup>rd</sup> the size of the primary wall sign. She had therefore calculated out that she is entitled to a sign of 84 sq.ft. and they are requesting a sign of 143 sq.ft.

Mr. Komorsky said when Ms. Libolt did the calculation for the sign, was it for 2 signs. Ms. Libolt said they are proposing one sign but our code allows 2 signs on a corner lot. Mr. Komorsky said he wanted to be clear on their intention that they are trying to blend the calculation for the two signs together. Ms. Libolt said yes, for the variance they are seeking.

Ms. Libolt said the building is 560' from Route 55. Mr. Bisceglia asked how far was the building from the Taconic. Ms. Libolt said it was about 350' from the Taconic itself and about 220' from the ramp. Mr. Bisceglia asked what was the elevation difference. Ms. Libolt indicated on the

plan if you were on the Taconic you would be just above the top of the building. Mr. Bisceglia asked if the sign would be lighted. Ms. Libolt said yes it would. Mr. Bisceglia asked how many lumens it has.

Nancy Forrest of Gloede Signs was sworn in by Mr. Komorsky. Ms. Forrest answered the question by saying that they will be using individual channel letters. They will be lit with LEDs. She is not sure of the lumens per letter but by using the translucent letters they will not be significantly bright like a yellow Planet Fitness color.

Mr. Bisceglia asked to see the individual letters on the sign. Ms. Forrest said they are individual channel letters like the Walgreens letters, but those are red. Mr. Bisceglia asked if there would be additional lights in the parking lot and if so, how would they be lit. Ms. Libolt said they received approval from the Planning Board. Everything along Route 55 is like a boulevard and the lights will be low, similar to Taconic Crossings, the parcel to the east. Along Route 55 they have the low acorn shape lights which are 15 feet. In the back there are tall 20' parking lights. Mr. Bisceglia asked how high is the building. Ms. Libolt said it is 22'. Mr. McPeck said he understands Planet Fitness is going to be open 24 hours a day. Is that true?

Mr. Bob Viagni, the owner of Planet Fitness was sworn in by Mr. Komorsky. He answered that Planet Fitness would be open 24 hours Monday through Friday, and 7:00 a.m. – 7:00 p.m. on Saturdays and Sundays. Mr. McPeck asked whether they knew the size of the sign (50 sq.ft.) they would be permitted when they went through the Planning Board approval process. Mr. Viagni said sort of. He said in other towns they had gone before the boards to ask for a bigger sign and it was allowed because of the depth from the road. Ms. Swanson asked what Ms Libolt meant when she referred to the lights in the back. Ms. Libolt showed three islands on the plan with 20' tall parking lot lights. She said the lights are identical to the ones at Taconic Crossings. Mr. Bisceglia asked if there would be additional lighting around the building. Ms. Libolt said there would be sconce lights around the back to provide lighting for employees who are working in the back.

Mr. Komorsky asked if there would be a monument sign in the front. Ms. Libolt said yes there would be a small monument sign that would identify the name of the center and some of the tenants.

Mr. Bisceglia made a motion to open the public hearing. Mr. McPeck seconded and the motion carried unanimously. Mr. Bisceglia asked if there was anyone in the audience who wished to speak for or against the application.

Mr. Paul Doherty of 120 Velie Road said he was there to speak in favor of the application. He thought the Pages had done a terrific job in improving Taconic Crossings down the road on Route 55 and Velie Road, and also remodeling the old Ramsey House which is now Houlihan & Lawrence. He thinks this is a major improvement to the area, not only as a commercial base. Even though there will be a street sign, because the building will be set so far back people want to see a wall sign, similar to the Walgreens sign and it is important to have a sign that is legible from the road.

There being no further comments Mr. Bisceglia made a motion to close the public hearing. Mr. Komorsky seconded and the motion carried unanimously. PUBLIC HEARING CLOSED

Ms. Swanson asked if the words “Planet Fitness” would be on the awnings. Ms. Libolt said no. Ms. Swanson asked if the awnings had been approved by the Planning Board. Ms. Libolt said yes because the plans had been provided to them. Ms. Swanson asked what signs would be on the other buildings. Ms. Libolt said those buildings had not been designed so she has no idea what the uses will be yet.

Mr. Bisceglia asked Ms. Libolt to show the board where the entrance sign would be. Ms. Libolt indicated on the plan the location of the sign and said it would be 50 sq.ft. Mr. Bisceglia asked if the applicant was going to come back to the ZBA and ask for a larger sign for that one also. Ms. Libolt said no; they are going to commence construction on that one soon. They have been working very closely with the town on the monument sign and they have been making changes to have a sign that the town likes. Ms Libolt said it is a beautiful sign with a nice stone base.

Mr. Bisceglia referred to the plan and said it states one set of 36”H channel letters. Is that correct? Ms. Libolt said yes. He asked if that is one letter or double letters that are 36” high. Ms. Forrest explained that the Planet Fitness letters, the P, the L, F and Ts will be 36” channel letters and when you calculate square footage you go with the overall height and width. The logo is manufactured the same way, it is a channel and is also lit with LED’S. Ms. Forrest added that they don’t just come up randomly with what size letters they want. The very large corporations that manufacture letters have done studies and set visibility standards for distances based on whether you are standing or driving and based on 20/20 vision. So, these letters are right within the recommended industry standards.

Mr. Bisceglia asked how big are the letters on the 50 sq.ft. monument sign. Ms. Libolt said she did not have the correct drawing but guessed that they were between 12” and 14”. Ms. Libolt stressed that the monument sign is just to identify the plaza but people traditionally look at the buildings.

Mr. Bisceglia said the board had received a response from the Dutchess County Department of Planning & Development which he read into the record:

“The Dutchess County Department of Planning & Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-l and 239-m). After considering the proposed action in the context of countywide and intermunicipal factors, the Department finds that the Board’s decision involves a matter of some concern and offers the following comments.

“Action

The applicant is requesting an area variance for a 143 square foot wall sign where a maximum 50 square foot sign is permitted.

“Comments

The primary justification given for the proposed larger wall sign is that drivers along Route 55 will not be able to see a smaller sign because of the 560-foot distance to the rear building. However, the January 25, 2011 Reasons for Appeal submitted by the applicant does not consider in its analysis that the property will also have a freestanding sign along the frontage, which will prominently identify the business location to drivers on Route 55. The function of the wall sign

should be to identify the location of the building for non-members who have already turned into the site and are proceeding up the entrance drive.

“The wall sign does not need to be almost three times larger than the permitted limit to identify the building for those drivers already on the site. A wall sign in line with the code should be sufficient. Approving such a substantial variance in this case would provide an unfortunate precedent for future ZBA decisions.

“Recommendation

For the reasons stated above, our department recommends that the Board not grant the area variance as proposed. The Board could allow a smaller area variance in this case, but should factor into its decision the proposed freestanding sign along the Route 55 frontage and the visibility of the rear business from the intersections of the entrance drive.

If the Board determines to act contrary to our recommendation, the law requires that it do so by a majority plus one of the full membership and that it notify us of the reasons for its decision. Kealy Salomon, Acting Commissioner, Dutchess County Planning and Development”

Mr. Bisceglia said, given that information did Ms. Libolt have any further comments.

Ms. Libolt said in her 20 years of business she has seldom had a letter from the county that isn't similar to this, which is a negative referral. There a lot of people who are trying to improve property and make jobs and yet they continue to get this kind of comment letter. They provided an argument in justification for this because the building is so far back from the street, and she doubted there would be too many other properties in the area that would have similar characteristics. She had taken into consideration that there would be a monument sign in front but people are more inclined to look at the buildings before looking at the monument sign. The 560 foot distance is to the rear building. The building is a 20,000 square foot building and they are asking for a 143 sq.ft. sign so she does not feel this will be a huge impact on the people traveling on Route 55 and will not cause a precedent.

Mr. Bisceglia said he had a concern about the Taconic Parkway. Mr. McPeck said they had granted a variance for the Taconic Crossings building and he can still see the glow all night long on Todd Hill Road as well as the people on Kuchler Drive and Velie Road. Ms. Libolt said they are talking about development and an influx of jobs and income into the community. Any time you develop a site you are going to have light pollution. Ms. Libolt said the difference between a 50 sq.ft. sign and a 150 sq.ft. sign should not make that much difference. The lights in the parking lot are going to far exceed the lights for the sign. Mr. McPeck said all the roads on the south side including Todd Hill Road, his road, are going to see the glow from that sign. Ms. Libolt said again, she thinks the glow is from the parking lights. Mr. McPeck said he does not want the area to look like Route 9 with all those big signs, with this eternal glow from one end of the other and in his opinion it sets a fair precedent.

Mr. Bisceglia asked if they had looked at a different size sign for the building. Ms. Libolt said they had not. Mr. Bisceglia asked how did they come up with the 143 sq.ft. size of the sign.

Mr. Bisceglia asked when they are planning on opening. Ms. Libolt said March 17<sup>th</sup>. Mr. Bisceglia asked if the sign would have any effect on whether they could move in or not. Ms. Libolt said it would have a huge impact. Mr. Bisceglia asked if the variance is not granted, does

that mean they will be able to open. Ms. Libolt said that is not necessarily true but it will be a huge impact. Mr. Bisceglia said they have gone this far with construction but they are basing things on a sign. Mr. Bisceglia said this is a great project and a great asset to the town, but he has a concern about the size of the sign.

Ms. Libolt said before the board votes she would like to say that 3.3 million dollars has been put into the site by the Pages and Bob Viagni. She would like to know what would be acceptable and would like some feedback from the board as to what would be acceptable. Mr. Viagni mentioned 84 sq.ft. and Mr. Bisceglia interjected that 84 sq.ft. is two separate signs and the code does not allow combining them. Mr. Bisceglia said what is acceptable is a 50 sq.ft. sign. Ms. Libolt said 50 sq.ft. would not be seen from the road. Mr. McPeck said they would still have the monument sign. Mr. Bisceglia said they had shown what the sign would look like with the 6 foot letters but he would like to see what the 50 sq.ft. sign would look like.

Mr. Bisceglia said he thinks this is a great project and he would love to see the other buildings go in soon as well.

Ms. Swanson said she agrees with the county's position that because of the monument sign if people are driving by fast they are only going to see the monument sign, and they shouldn't be staring down the long drive to see building signs in the back of the lot. It did not appear that there would be many businesses on the sign and Planet Fitness is on the top where it is most visible. Most of the people going to Planet Fitness will be members and they will know where they have to go and for those coming because they are thinking about joining, the monument sign with the address and the name "Planet Fitness" should suffice.

Mr. Komorsky asked if there were any alternatives to this proposal being that there is some mathematical basis for the light and the sign letter height based on the amount of lumens. For instance there are LEDs now that you can have smaller light size with the lumens that you need where it really stands out much more than a typical bulb.

Ms. Forrest said these 36" channel letters have an aluminum return which is about 4" deep. Then there is a flat face on, and surrounding that is a jewel like trim. They only light up to the front, they do not glow out, it is dead on lighting.

Mr. Komorsky said he knows when there is a game going on at the Arlington High School because he sees the brightness at night from the stadium lighting. Ms. Forrest said the sign would not cause that effect. Ms. Forrest added that the choice of color as a translucent vinyl face is not brilliant. There are LEDs inside the aluminum channel. Then there is a 3/16" white acrylic face with a translucent custom colored face so it allows the light to come through but its not as bright as Walgreens and as a point of reference the "W" on the front of the Walgreens store is a 30" letter and it is less than 200' from the highway and it doesn't look too big.

Ms. Swanson asked if they considered a different type of sign, maybe a light on to the letters as opposed to lighting from the back. Ms. Forrest said no because the ordinance allows an internally lit sign. She added that this would be better than an electric box sign which would be lit with fluorescents. The individual letters do not cast as much light as the internally illuminated box signs do.

Mr. Bisceglia had a question concerning the architecture of the building. He asked how far the two columns in the front protrude out, and also how much overhang does the arched roof have. Ms. Libolt said, about 10" and the columns 8" – 10". The purpose was to break up the architecture on the front of the building. Ms. Libolt again mentioned that once they commence construction the other buildings will block the views of this building. Mr. McPeck added that they will probably add more lights and the glow will be bigger. He said he was an advocate for the people of LaGrange. He appreciates the business but the town has a code which was written for a specific reason. All the businesses want bigger signs. He does not want LaGrange to become Route 9. Ms. Libolt said the Pages have a vested interest in LaGrange; they have invested millions of dollars into this site and the site down the street.

Ms. Libolt said the concern the board has about the lighting is probably the parking lot lighting. Mr. McPeck said he did not have a concern about that at all.

Mr. Bisceglia made a motion to re-open the public hearing. Mr. McPeck seconded and the motion carried unanimously. Mr. Paul Doherty referred to Ms. Swanson's comment about cars traveling down the road at 50 miles an hour and seeing the sign. Mr. Doherty said people look to the buildings and if that building only has a 50sq.ft. sign, and with other buildings in front of it, that could be cause for accidents because people would be looking at the building and not be able to quickly see what it says on the building. Mr. Doherty said when you go by Apple Valley you look at the Walgreens sign on the building. Mr. McPeck pointed out that the speed limit there is 40 miles per hour.

Ms. Libolt said she wanted to make the point that 50 sq.ft. is allowed if you are on the road and 50 sq.ft. is allowed if you are 560' from the road and it seems as though the board is not taking that into consideration. The sign is also lower because there is a change in the grade, a 6' drop in elevation between Route 55 and the front of the building. Mr. Bisceglia said the sign would be about 15' off the ground from Route 55. Ms. Libolt asked if the town wanted to attract people to the town. Mr. Bisceglia said he understands that but there is a quaintness attached to signs that are toned down and a certain feel that people have when they see that sort of thing. When everything is so grand it changes the whole feel of things.

Mr. Bisceglia made a motion to close the public hearing. Mr. McPeck seconded and the motion carried unanimously. PUBLIC HEARING CLOSED

Before the board voted Ms. Libolt said she was hoping to get some feedback from the board as to what the board would be looking for. Mr. McPeck said he was looking for a 50 sq.ft. sign. They will have a monument sign that is to code. Mr. Bisceglia said they are interested in keeping the sign status quo. Ms. Libolt asked if the board would adjourn their request this evening as they do not want a denial. They would like to talk to the zoning officer and see what they could come up with.

Mr. Christenson said he does understand the mathematics of the visual with regard to size of sign and distance, but his concern is setting a precedent for the other businesses in the town. There have been sign problems for a long time. He also has a visual concern for the residents who are up high and will overlook the area. Is the illumination from a 50 sq.ft. sign going to be any less than a 143 sq.ft sign? He does not know the mathematics of that, but he does understand Mr. McPeck's concern. His biggest concern is setting a precedent.

Ms. Swanson said she also has a concern about setting a precedent. She also has a concern that they have received an opinion from the county and if they start changing things the county might have to weigh in again. Ms. Swanson said she felt it would be much cleaner to deny the application and if the applicant wants to work on a new proposal they could come back and present how a new proposal would look.

Owner Mr. Viagni said from a commonsense perspective whether they are 600 feet off the road or two feet off the road, he is allowed the same size sign. Wouldn't it make more sense if he is right on the road he would be allowed a 25 sq.ft. sign but if he is way off the road he could have a 100 sq.ft. sign? He felt the board should have to take that into consideration. Mr. Christenson said he did understand that. Mr. McPeck said that as a business person maybe he should have built his business closer to the road.

Mr. Komorsky said he was not as particularly adverse to the lighting as some of the other board members are, especially after the lumens had been explained. However, he is concerned about the precedent, and he does not want Route 55 to look like Las Vegas. He would like to have some time to look at the Walgreens sign and get a gauge of the distances.

Mr. Bisceglia agreed with Mr. Komorsky's comment and said everybody could take a little bit more notice of distances from the road and size of existing signs. Mr. Bisceglia wanted the applicant to know that this board is not unreasonable about things. They are a representative of this town and they want to try to give the people the best service they can.

Mr. Bisceglia then made a motion to adjourn the Page Park Associates Planet Fitness application to the April 4th meeting. Mr. Komorsky seconded and the motion carried unanimously.  
APPLICATION ADJOURNED TO APRIL 4, 2011

There being no other business before the board, Mr. Bisceglia made a motion to adjourn the meeting at 8:32 p.m. Mr. Komorsky seconded and the motion carried unanimously.

Respectfully submitted

Susan Quigley, Secretary