

Architectural Review Board



Town of Dover
Historic Tabor Wing
3128 Route 22
Dover Plains, NY 12522

(845) 877-4271
(845) 877-4273 fax

Monday
November 17, 2008
7:00 PM

- ⓑ Chair Scott Daversa
- ⓑ Member Brigid Casson
- ⓑ Member Lloyd Scharffenberg
- Member
- Member

Also, in attendance representing the ARB were Attorney Michael Liguori of Hogan & Rossi.
For the Applicants: there were no applicants present
Deputy Supervisor Galayda was also present from 7:50 on.

A. Call to Order

The regular monthly meeting of the Town of Dover Architectural review Board Planning Board was called to order by Chair Daversa at 7:13 PM and began with the Pledge of Allegiance

B. Applications for Review

CITGO TO LUKOIL SIGNS 7063-11-534507-0001
3160 RT 22
Dover, NY
Applicant Laurel Walyga of Core States Engineering
Requested 3 signs for site

Applicants are from New Jersey and the Chair felt the Board could review the project and then notify the applicant with details of the review.

Applicant was sent correct ARB application- as well as Chapter 37 with Sign Design Guidelines; procedure was explained to the applicant by the Secretary
Site map and existing conditions map requested

- Sign area and height-
 - § 145-39-3-A- free standing signs shall not exceed 10' -16 square feet
 - § 50' in cumulative signage per structure (145-52)

“§ 145-39 Signs”.

A. Purpose. The purpose of this section is to control the location, size, quantity, character, and lighting of signs in order to maintain the attractive appearance of the town and avoid conditions of clutter and unsightliness. Through these regulations the town seeks to:

(3) Sign area and height.

(a) Freestanding signs. Individual freestanding signs shall not exceed 16 square feet in area nor 10 feet in height. Freestanding signs that are grouped together on one sign structure shall not exceed a

cumulative total of 50 square feet per structure, and the individual components of such groupings shall be large enough to be read safely by passing motorists traveling at the speed limit.”

Lot Frontage-

Is a concern due to minimal lot frontage and sign allowance,

Requests-

Need to know what is existing

Need to know what is truly being proposed

Elevations to be shown

Gas station is not the property owner, Lynn's auto is a separate business, signage is by the lot. Need site plan showing existing and proposed.

Attorney Liguori will draft a letter to the applicant to address all concerns with the signage as well as lot constraints. A letter to property owner will be sent by the ARB Chair.

Copy of letter sent to applicant:

HOGAN & ROSS
Attorneys at Law
1441 Route 22
Suite 204E
Brewster, New York 13609
Telephone: (845) 279-2988
Facsimile: (845) 279-6225
(845) 279-6423

John A. Hegert
Donald M. Reed
David J. Moran
Stephanie M. Belter
Michael T. Liguori
David P. ...
Mary E. Landy
Also admitted in NY

Of Counsel
Charles J. ...
Thomas J. ...
Joseph A. ...

November 24, 2008

Ms. Laurel Walgys
Core States Engineering
370 Campus Drive, Ste. 150
Somerset, New Jersey 08873

Re: LUKOil Re-Brand; 3160 Route 22, Dover, New York

Dear Ms. Walgys:

Thank you for the application to the Architectural Review Board for LUKOil on behalf of Getty Petroleum. The Board met this past week and reviewed the application for compliance with the Town of Dover Code Chapter 37 and Chapter 145-39. We direct you to those provisions, which can be found online at www.townofdovertown.com. Click on the Link button, which will direct you to the Town Code.

At the outset, it should be noted that the premises contains numerous signage that is non-conforming and since the property contains more than one commercial use, there is the possibility that the other commercial uses may occupy some or all of the area of signage permitted under the current ordinance. For example, if the maximum area of signage permitted is 100 square feet and another tenant has a sign with 90 square feet of signage, then only 10 feet will be left for other uses, unless a variance is obtained or the other signs are modified. It is necessary, therefore, to detail the existing signage for the other use(s) so that the Board can properly determine how much area is permitted for LUKOil's signage.

Based on the application of Chapter 145-39, the Board has the following comments:

The current free standing sign is 22 feet 8 inches high, therefore, it exceeds the 10 foot limitation set forth above. The LUKOil portion of the free-standing sign and the Fuel type and Gallon Price sign cannot be larger than 16 square feet each, nor can they exceed a total of 50 square feet. See 145-39D(3).

The conversion of the canopy signs from Citgo to LUKOil appear to exceed the 32 square feet limitation. See 145-39D(3)(c)



HUGAN & ROSSI
Attorneys at Law

From a review of the tax maps, it appears that the parcel has 75 feet of frontage, therefore, a maximum of 37.5 square feet of signage is permitted for all one uses combined on the lot. Unless a variance is obtained, the signage proposed is non-conforming. See 145-39D(3)(g).

Please note that all non-conforming signs were amortized from 1999 to 2001, therefore, grandfathering is no longer permitted. See 145-39D(6).

Also note that free standing signs are no longer permitted to be internally illuminated. See 145-39(C)(2).

We hope this review has been helpful and the Board looks forward to reviewing the next submital.

Thank you very much.

Sincerely,



Michael T. Liguori

cc: Scott T. Davesa, Chairman
Betty-Ann Sherer, Secretary

JTR Bus Company-

The roof was removed as well as the front of the building has been modified. There is a building permit in place. They were given permission to change the exterior of building with no ARB approval. Chair and members agreed a stop work order should be issued.

Building Inspector will be contacted for clarification of determination of granting this permit

Deputy Supervisor Galayda joined the meeting- the Board then explained the concern of the lack of ARB approval while having received a building permit. He recommended the ARB approach the Town Board with comments and concerns.

Building is over 1,000 square feet and the facade has been changed.

If the Code enforcement officer approaches the applicant and states the permit was issued in error and a C/O can not be issued until there is ARB approval, the applicant can come to the ARB for approval, then receive his C/O. The concern is that the work began under the guise of a Building Permit that was wrongly issued.

The Board also agreed to schedule a special meeting to entertain the application if needed.

Other items of Concern

- o Members would like the Town Board to be more aggressive in recruiting new members
- o Member Casson would like to compile a list of sites in town that should come in before the Board for review as encouraged by a letter previously submitted by the code enforcement officer
- o Letter could be put in the local newspaper in the form of a "Did you know..." to the Public to spark awareness of the permits and reviews that are needed as per the Code.

- o A Suggestion of the Web site and Newspaper post a notice that the Town of Dover has a sign ordinance the majority of these signs are non- conforming-
"Dear Business Owners, those non conforming signs were amortized and we supposed to be gone by this date----. The Town Board is going to give you a _____ month deadline to come into compliance. If you are not in compliance in the next (maybe) 12 months, the Code Enforcement Officer will come out and Site you for these violations. "Start with the signs
Then do something about- Did you know you need a building permit for the following... and let the Public know what they need permits for.
'The Town of Dover has a Zoning Code, before you construct any Structure, please consult with the Building Department "

C. Discussion on the deadline & schedule for 2009

The ARB agreed the meeting schedule for 2009 can continue to be set for the 3rd Monday of each month with the deadline of 10 days prior to the meeting

Point- 01/19/2009 Martin Luther King Day & February 16, 2009 President's Day. The Board should consider alternative dates for meeting. Court is Tuesday & Thursday and all meetings will be transitioned to the Court room for 2009. This item will be discussed further at the next scheduled meeting December 15, 2009. The Chair will discuss the concerns with Supervisor Courtien.

D. Circulation for Lead Agent

The Planning Board has an application pending before them; it requires approvals from other Boards including ARB and ZBA so the Planning Board would like to be Lead Agent for the Camp Ramah application. Although they came before us for preliminary review, the Planning Board needs to complete SEQRA. They could then return for final review.

Motion made by Member Casson to consent that the Planning Board take Lead Agent for the Camp Ramah Application 2nd by Member Scharffenberg

VOTE: Chair Daversa – AYE Member Scharffenberg – AYE Member Casson — AYE Member: Vacant Member: Vacant

E. Minutes

The Board agreed the new more bulleted format for minutes is cleaner and easier to read for the members as well as the consultants

Motion made by Member Casson to approve the October & November, 2008 minutes there was no meeting held in the month of September of the ARB 2nd by Member Scharffenberg

VOTE: Chair Daversa – AYE Member Scharffenberg – AYE Member Casson — AYE Member: Vacant Member: Vacant

F. Adjournment

Motion made by Member Scharffenberg to adjourn 2nd by Member Casson

VOTE: Chair Daversa – AYE Member Scharffenberg – AYE Member Casson – AYE Member: Vacant Member: Vacant

Respectfully submitted,
Betty-Ann Sherer
Betty-Ann Sherer
Secretary to the Board