

**CITY OF MIDDLETOWN**  
**ZONING BOARD OF APPEALS**

**MINUTES**

**August 19, 2015**

A Zoning Board of Appeals was held in the Common Council Chambers, Second Floor, City Hall, 16 James Street, Middletown, New York on August 19, 2015, at 7:00 P.M., Joel Sierra, Chairman, presiding.

Board Members Present: Joel Sierra, Nicholas Barber, Randy MacLean, Deborah Clark-4

Absent: Don Luis-1

Other Attendees: Walter Welch, Building Inspector.

On motion of Mr. MacLean and seconded by Ms. Clark to accept the July 15, 2015 as submitted.

All in favor

**13-33 James P. Kelly Way**  
**Carlo Caldara**

Thomas Olley  
Engineer representing Carlo Caldara & Sterling Parc

We are seeking a sign variance for the retail shops at the Sterling Parc in Middletown the apartment complex.

The lower floors of building 7 & 8 have 12 retail spaces that are required by code. We are seeking to put a free standing sign adjacent to James P. Kelly Way.

We are proposing a sign in this triangular area adjacent to the DQ Grill N Chill and the sign will stand, 12 ft. tall. The actual sign area is 9 ft. 6 by 6 ft. 6. Which is a total is 60 sq. ft., the code allows for 24 sq. We are seeking a variance of 36 sq. ft.

I have with me the certification of mailings. We had 109 notices that went out; I also have copy of the notice attached to that.

The sign that we are proposing illustrated in this upper right hand corner of the drawing. I did print out a color photo rendering of it which we also included in the package. It is going to be a stone based pedestal. I included a picture that I took off the Orange County Real Property website that shows the actual rear of building #7 and the retail spaces. The stonework that we want to use on the building will match the stone work on the building itself, the sign will match the building stonework. I also grabbed a photograph of the Grill N Chill sign today and that also shows, uses the same stone work. We are looking to have a uniform design amongst them. The signs themselves are placard are about 14 inches high and 3x3 ft. inches wide. They are not very large signs. They really are intended to provide a directory of the shops that are there. The main reason that we need this freestanding sign is that when you are traveling east on James P. Kelly Way your orientation of the building faces are such that you can't see them as you are coming down the hill. You can't see the signage that would be on the face of the building. We've scaled it down to as small as we think is reasonable and still have signs that are identifiable for somebody traveling, looking for a particular store or office and still have time to slow down and make the entrance by the Grill N Chill.

The top of the sign will have a uniform or unifying feature both the shops at Sterling Parc. We've also provided a brief analysis that is our attachment B with the weighing standards that the Board has to consider when granting a area variance which the sign variance would fall under and while it is self, while the hardship is self- created we believe that in itself is not a compelling reason to deny the application because of the orientation of the building and the visibility; that we have attempted to make it as small as possible and is actually about the same size or smaller than the Grill N Chill. It is definitely shorter than the Grill N Chill and the Quick Chek signs all those go to 15 ft., the total area is probably about the same. The Quick Chek sign may be slightly larger.

I would be happy to answer any questions.

Walt Welch-Building Inspector

You've had a previous approval for a sign anyway.

Mr. Olley-Yes we did. That actually...

Walt Welch-You had to move it.

Mr. Olley-The same location that the Grill N Chill used. By the way, the location of the sign meets all the setback requirements and is located outside of a sewer easement that is in favor of Quick Chek and their connection to the City, sewer system.

We meet all other setback requirements.

Joel Sierra-Will that sign be illuminated?

Mr. Olley-Yes it will be.

Joel Sierra- Internally.

Mr. Olley-Yes.

Joel Sierra-I know you said its setback; it doesn't block any line of sight.

Mr. Olley-No absolutely not because it is about 150 ft. from the intersection, the entrance in by Grill N Chill. It is setback 27 ft. from the right of way and about 35 ft. from the actual edge pavement of James P. Kelly Way. It doesn't obstruct any sight distances.

Joel Sierra-These are the only two (2) entrances. Correct. There won't be another entrance later on.

Mr. Olley-No.

Joel Sierra-Just the one, the main entrance at Sterling Parc.

Mr. Olley-The main entrance at the traffic light and the entrance at the Grill N Chill.

One of the things that Southgate at Middletown project is going to be doing is widening and restriping this portion of James P. Kelly Way to establish two (2) lanes of traffic coming up the hill, so that you don't have that funky merge as you make the left off of 17M find yourself in the left turn lane for Grill N Chill and Quick Chek.

Deborah Clark-Can you explain to me where that is going exactly if I'm at the traffic light.

Joel Sierra-Have you seen the sign the free standing on the right.

Mr. Olley-The upper left hand corner is.

Joel Sierra-Are you familiar with the area?

Ms. Clark-I pass it 3-4 times a day.

Mr. Olley-The upper left hand corner of the map is the new traffic light...as your coming down the hill right before you get to Grill N Chill the sign would be located ...little grass triangle.

Joel Sierra-Asked if there were any questions from the Board?

No one had any questions.

Joel Sierra-That will be the sign, it will look like that. If it gets approved I just want to make sure it's the one.

Mr. Olley-That is the one.

Joel Sierra- I don't want to see if God forbid if there's any change of ownership and have a tacky neon sign out there blinking all hours of the night. It is a heavy traffic road, heavy traffic traveled road.

Mr. Olley-Right. That was part of the reason it was black background with the internal illumination so that, not gaudy.

Joel Sierra-I know some of the residents living there too.

Asked if there were any other questions from the Board?

None.

I'm going to need a resolution to open the public hearing.

On motion of Mr. Barber seconded by Mr. MacLean to open the public hearing.

All in favor Aye:

Public hearing opened at 7:09PM

Mr. Sierra asked if anyone from the public wishing to speak?

No one.

Any board members?

No one.

Mr. Sierra we are going to hold the public meeting open for 30 days. See you back next month.

Mr. Olley- Thank you.

Dismissed at 7:15pm

(Discussion ensued between Board members)

**86-90 North St.  
Hope Bible Church, Inc.**

Mr. Sierra- Did all the members of the board receive the resolution?

Board members acknowledged they did.

Mr. Sierra-All members understand the resolution?

Board members acknowledged they did.

Mr. Sierra- Read the resolution properly.

Let the minutes reflect that all Board members received the resolution; all understand the resolution, read the resolution properly.

Asked if there were any questions on the resolution tonight?

No one had any.

On motion of Mr. Barber seconded by Mr. MacLean to accept the resolution that is in front of us for 86-90 North St. Hope Bible Church.

Roll Call: Ayes: Mr. Barber, Mr. MacLean, Ms. Clark, Mr. Sierra-4

Mr. Sierra-All members voted Aye.

No one opposed.

Motion passes.

Motion on Mr. MacLean seconded by Mr. Barber to close the meeting at 7:18pm

All in favor.

Respectfully submitted,

Karen Sisco