

**MINUTES**  
**HISTORIC AREAS BOARD OF REVIEW**  
MAY 11, 2010

MEMBERS PRESENT:      Thano Schoppel  
                                 Scott Wheatley  
                                 Wayne Garrison  
                                 Larry Bucciarelli  
                                 Thomas Quinn  
                                 Margaret Raso  
                                 William Walther

ABSENT:                      None

ALSO PRESENT:            Deborah Arbolino,            Administrative Aide  
                                 Denise Sullivan,            Deputy Town Attorney

Larry Bucciarelli Chair, called the meeting to order at 7:30 p.m. Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

<u>APPLICANTS</u>	<u>DECISION</u>	<u>HABR #</u>
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NEW ITEM:

MIGGE 77.11 / 3 / 70; CS zone	SIGN SIZE APPROVED, HEIGHT LOWERED	HABR#10-02(a)
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THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 9:00 P.M.

DATED: May 11, 2010

HISTORIC AREAS BOARD OF REVIEW

Deborah Arbolino  
Administrative Aid

DECISION

**SIGN APPROVED AS MODIFIED**

TO:    Thomas Migge 98 Main Street Tappan, New York 10983	HABR #10-02 (a) May 11, 2010
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FROM: HISTORIC AREAS BOARD OF REVIEW, TOWN OF ORANGETOWN

HABR# 10-02(a): Clarification of HABR# 10-02; application of Thomas Migge for review of a proposed sign located at 98 Main Street, in the Town of Orangetown, Hamlet of Tappan, New York. Chapter 12, Section 12-5(A), Historic Areas Board of Review.

Tax Numbers: 77.11 / 3 / 70; CS zoning district.

Heard by the HISTORIC AREAS BOARD OF REVIEW at a meeting held on Tuesday, May 11, 2010 at which time the Board made the following determination:

Tom Migge appeared and testified.

The applicant presented the following:

1. Copy of the proposed signs.
2. Map of Main Street.
3. A memorandum dated 4/12/10 from Leonard C. Post, Deputy Building Inspector.

Denise Sullivan, Attorney, explained to the Board that the application was referred back to the Board because of Town Code §12.5 entitled "Uses Permitted in the Tappan Historic Area". This section at subpart A ("CS Districts") at subsection (3) states as follows: "Permitted: all uses and regulations described and permitted in Columns 5,6 and 7 of the Table of General Use Regulations, except that signs shall conform to the requirements of an r-15 District unless otherwise permitted by the Board of Review".

She further stated that the Migge site is located in the CS Zone. Pursuant to the Town Code, if the Historic Board wishes, the board can permit Mr. Migge to follow the CS District regulations which will permit the ZBA to grant a maximum sign area of up to 40 square feet. (See Table of General Use Regulations, Section 3.11, CS District, Column 5 #6 (A).

Otherwise, the maximum sign in the Tappan Historic District shall conform to the requirements of the R-15 District which is guided by the Table of General Use Regulations, Section 3.11. The R-15 District refers to the R-22 District which refers to the R-80 District (Table of General Use Regulations, Section 3.11, Column 5 #12). Therefore, for any non-residential use permitted in the R-80, any sign in the Tappan Historic District shall be a maximum of 20 square feet; unless otherwise permitted by the Historic Areas Board of Review.

Although the size of the sign was discussed at the last meeting it was not discussed in regards to the code.

Tom Migge stated that the proposed sign has not been changed; it is the same size, the colors are the same; that Allstate has rules on not placing similar products on one sign and that is one reason he needs the building sign and the standing sign; that the other reason is that he would like to get a tenant in the upstairs of the building and they would need to be added to one of the existing panels on the sign; that the parking sign would be on Brandt Street; that he would like to keep the sign at the proposed location because moving it over to the front of the building would block the windows; that he is requesting a two foot set back from the wall; that he could lower the sign as the Board is requesting, so that the lowest panel on the standing sign is no more than two feet above the height of the wall.

**PUBLIC COMMENT:**

Carol LaValle, 73 Main Street, Tappan stated that she is President of the Tappantown Historic Society; that they have concerns regarding the sign and the redundancy of the two signs; that she would like to submit a letter dated March 3, 2010 that she also submitted to the Zoning Board of Appeals; that she would ask the Board to uphold Section 12.5 of the code; that the Historic Board has a history of working very hard and paying close attention to detail and upholding the size regulation makes sense in keeping with the character of the area; that she is submitting a list of comparison signs in the area entitled "Signs in Tappan"; that they are not against the commercial use of the building but granting a large sign could set a bad precedent for the Historic area.

The Board discussed the size of the proposed sign at great length; that the building has room for another tenant; that the size of the sign is smaller than what could exist in the CS zone; they discussed the proposed placement of the sign; the height of the sign in comparison to the street and the existing wall; that the removable placards allow for any future tenant to advertise on the same sign; that the proposed location or placement of the sign would be determined by the ZBA with the granting of a variance; that the sign should be lowered so that the lowest panel on the sign would not be more than two feet above the existing wall; that the stantions (poles) are adjustable in length; that the sign would be landscaped and there would not be any lighting on the sign; that the comparison list was helpful because it shows that the width of this sign complies with the Dental office and is less than the cemetery and Gulio's; that it helped raise the issue of height; and helped the Board come to the conclusion to lower the height of the proposed sign.

#### **FINDINGS OF FACT:**

The Board, after personal observation of the property, hearing all the testimony and reviewing same, found as fact, that:

1. The size and square footage of the signs as submitted is approved as permitted in accordance with Town Code Section 12-5; however the stantions of the proposed sign shall be lowered so that the maximum height of the bottom advertising panel or placard of the sign shall be no more than two (2') feet higher than the top of the existing wall located on the south side of the property.
2. The Historic Board is aware that the applicant is seeking a setback of two feet from the existing wall.

**DECISION:** In view of the foregoing and the testimony before the Board, the application (Sign dated 2/9/10 ) is **APPROVED** as submitted and presented with the following conditions:

1. The stantions of the proposed sign shall be lowered so that the maximum height at the bottom advertising panel or placard of the sign shall be no more than two (2') feet higher than the top of the existing wall located on the south side of the property.
2. The size and the square footage of the double sided sign as submitted (4 feet by 6 feet for a total of 24 square feet) is approved by permission of the Historic Areas Board of Review in accordance with Town Code Section 12-5.

The foregoing resolution was presented and moved by Scott Wheatley , seconded by Thano Schoppel; and carried as follows: Wayne Garrison, aye; Scott Wheatley, aye; Thano Schoppel, aye; Thomas Quinn, aye; Larry Bucciarelli, aye; Margaret Raso, aye; and William Walther, aye.

The Administrative Aid to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

Dated: May 11, 2010

**HISTORIC AREAS BOARD OF REVIEW  
TOWN OF ORANGETOWN  
Deborah Arbolino, Administrative Aide**

**DISTRIBUTION:**

APPLICANT  
TOWN BOARD MEMBERS  
HABR MEMBERS  
SUPERVISOR  
TOWN ATTORNEY

TOWN CLERK  
HIGHWAY DEPARTMENT  
TOWN HISTORIAN  
DEPT. OF ENVIRONMENTAL  
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BUILDING INSPECTOR- .L.P.

HABR, PB, FILE  
PB, ZBA, ACABOR CHAIRMAN



