

THE VILLAGE OF COLD SPRING
HISTORIC DISTRICT REVIEW BOARD
85 Main St. Cold Spring, NY 10516

July 11, 2012

Members present: Chairman; Al Zgolinski Members: Carolyn Bachan, Peter Downey, Marie Early and Kathleen Foley

1. Old Business:

A. *Stephanie Hawkins, 15 Academy St.* – Applicant was not ready to present her Application and was put on the August agenda.

B. *Matt Beachak, 9 Garden St.* – Applicant not present. The Applicant was put on the August agenda.

C. *Butterfield Library, 10 Morris Ave.*

Ms. Gillian Thorpe represented the Library. The Application was for a board and batten wood shed with no windows in the back yard. A. Zgolinski recused himself noting that he prepared the drawings of the proposed shed.

Board members noted that the design, which replaced a previous application for a pre-fabricated shed with vinyl windows, was an improvement because of its simplicity and would be more deferential to the main library structure.

K. Foley moved to approve the application as submitted and C. Bachan seconded the motion. It was approved 4-0 (with one recusal).

2. New Business:

A. *Phil Mackintosh, 5 Railroad Ave.*

Karen Parks represented the Applicant. The proposed project was described as follows:

- One story addition to back of house and not easily seen from a public right of way.
- Glass enclosure is to be on the west and north sides and on the east side is to be solid masonry.

The Board members discussed the addition and made the following suggestions:

- The addition's classical detailing was not in keeping with the Carpenter Gothic styling of the main mass of the house. Simplifying the project was suggested.
- The triangular pane of glass on the west façade looks too modern.
- 6 over 6 windows are proposed in addition but the windows in the front of the house currently are 6 over 1.

Ms. Karen Parks noted she will investigate a replacement for the triangle window and will contact her clients regarding simplifying the exterior of the proposed addition.

The Chairman polled the Board members to see if the application should go to a public hearing. A public hearing was scheduled for August 8, 2012 at 8:00. The chairman asked that any drawings be submitted to the Village Office so the proposal can be reviewed by the public prior to the public hearing.

B. Theresa Corcoran, 5 Parrott St.

The Applicant proposed the following:

- i. Door – the Applicant proposed to replace a 2nd Floor window with a true divided light door to match existing windows on the house.
- ii. Deck – A deck was proposed for the back of house where the new door is to be installed. The Applicant noted an existing retaining wall will be extended to meet the bottom stairs from the porch.
- iii. Retaining Wall - will be stone wall and will match an existing retaining wall in the back of the property.

K. Foley abstained and noted she misinterpreted the drawings and examined the wrong side of the house when she did a site visit and did not feel prepared to properly assess the application.

Chairman Zgolinski noted that there were conflicting materials notes on the drawing. The Applicant clarified that all concealed stair framing and stringers used will be cedar.

The Chairman called for a vote on the application with a few modifications listed above. It was approved 4-0 with one abstention.

C. Jeff Phillips, 200 Main St. – Applicant not present and put on the agenda for August.

2. Minutes:

- The minute of June 13, 2012 were reviewed and amended. K. Foley moved to accept the minutes as amended and C. Bachman seconded the motion. The minutes were approved 5-0.

3. Public Hearings

The Chairman opened the public hearing at 8:00 P.M. by reviewing the process of the public hearing as follows:

- Members of the public wishing to speak were required to sign in.
- All comments and questions were to be directed to the Board.
- Comments were to be limited to issues related to the renewal of the project's Certificate of Appropriateness and could not include any other aspects of this project.

A. Beth Sigler and Paul Henderson, 14 Stone St.

Mr. Henderson gave a brief history by noting the following:

- They purchased the very small house at 14 Stone St. in 2001.
- The property was viable for their family of 4 but the shed was needed for storage.
- They renovated the house themselves and have lived there since 2005.
- In 2008 they submitted an application to the Building Inspector to rebuild the shed which was referred to the HDRB by the building inspector.
- On August 15, 2008 there was an HDRB meeting at which they were granted a Certificate of Appropriateness.
- In the original application to the HDRB the project was described as "replacing an existing garden shed with a new garden storage shed in the existing location".

- They intend to use the shed for storage.
- Their house is relatively small with the only storage space being the attic.
- They never intended to use the shed as a shop. It has no electricity, water or heat.
- The shed will be used to store items such as tools and potting supplies; at one time they also spoke of using the shed to build a sailboat and other occasional small projects with their children.
- The Applicant presented the Board with the original Certificate of Appropriateness and photographs of the original shed and current views of the new shed as well as other photos taken from different views showing how the shed was built.
- Mr. Henderson showed the Board a vent that was originally proposed but will be changed. This change will be submitted as a separate application.

From 8:07 – 8:13 P.M. there was a five-minute break for public review of the proposal. The meeting resumed at 8:13 and opened for public comment.

Mr. Samuel Seward, 120 Lane Gate – noted he thinks structure is tasteful. It was remarkable how well it was built. Mr. Seward also noted that he runs by it and that it is obscured by a great big pine tree.

Mr. Joseph Timko, 8 Stone St. – noted that he is located one door down from 14 Stone St. and the two backyards are next to each other. The structure is tasteful. It is a vast improvement from their point of view. The shed is well constructed. So far very happy with what has been done there.

Susan Peehl, 13 Fair St. – Distributed previously marked up drawings by the building inspector, which she said, “shows the drawings were different from what was submitted”. The original drawings do not accurately show dimensions. She noted that one purview of the Board is the scale of the proposed alteration or new construction in relation to the property itself and surrounding properties in the neighborhood. The Board should review visual compatibility of surrounding properties including the proportions of the property’s front façade, the proportions and arrangement of the windows and other openings with the façade and roof shape. She noted the Board should consider the importance of architectural and other features of the historic significance of the surrounding properties. She said that Sigler/Henderson tore down the shed that may not have looked nice but it was preexisting. Instead, they put their “new, architecturally irrelevant structure” in its place.

A. Zgolinski - Responded that the shed as submitted is not bigger than the plan that was previously submitted to the HDRB. The Board is dealing with the application as currently submitted.

Ms. Susan Peehl, 13 Fair St. – stated that she feels that the proportions of the proposed shed are substantially bigger than the original structure. The wall of the original structure were within 6 ft. of her property.

- A. Zgolinski explained that the Board is reviewing the application currently submitted to the Board. Any issue of the difference in size between what was approved and what was built is a Building Department issue. The point of the HDRB is to review proposed changes to the Historic District. Susan Peehl noted that there are new members on the Board now. A. Zgolinski stated that the new members on the Board are reviewing the project as currently submitted.

- Ms. Peehl, noted that she believed that what was built is indeed the purview of the board because the original referral from the Building Inspector says “please be advised that if the original structure is demolished it has to go before the ZBA for a variance”. Ms. Peehl noted that has never been done. A. Zgolinski noted that is an issue for the Building Inspector and the ZBA.
- Ms. Peehl – argued “no that is a referral to your board”. She believed that this is a new application but not a new referral. The referral being looked at currently is the referral still in place. A. Zgolinski - answered no and noted there is a new referral.
- Ms. Peehl referenced Village Code 64-14 “Whenever the requirements of this chapter conflict with one another or are at variance with the requirements at any other lawfully adopted laws, rules, regulations, or ordinances the most restrictive or that imposing the higher standards shall govern.” Ms. Peehl further stated that the HDRB “needed to defer on this case as it is in front of the Zoning Board and has not yet been determined what they will decide and obviously will need a variance before the kind of windows and roof tiles are put on the building”.
- A. Zgolinski - noted that is not true, and noted many applications are heard by more than one Board at the same time. One example is where the Applicant is having a public hearing with the Historic District Review Board and has not yet had a resolution with the Planning Board. It is up to the applicant to decide what Board they want to go before first if they are required to go to multiple Boards.
- Ms. Peehl – stated that she looks to the Board to protect the property owners’ rights. This shed is now intruding on the fence line. Previously the walls were 6 feet back from fence. It is much different to have it on the fence line and about 7 foot tall. Previously the shed was set on the ground and now it is on a foundation that she felt added another foot of height. The roofline is now about 10 ft. 6 inches and set on a structure. Ms. Peel noted the plans do not talk about the rest of the structure nor does it talk about the foundation of the structure.

Mr. David Birn, 13 Church St. - asked that the Board only address the appropriateness of the proposal. He stated that Ms. Peehl is one neighbor among a room full of neighbors who would like to comment publicly on the proposal and the previous comments do not seem to be the meaning of the public hearing rules that were noted at the beginning. Mr. Birn asked the Chairman to take responsibility for the meeting and run it the way the rules were set up to do.

- Ms. Peehl noted she is an affected party.
- Mr. Birn responded that he is one also.
- A. Zgolinski asked Ms. Peehl if she had comments regarding the appropriateness of the design. The meeting does need to continue since there is a room full of people who may want to comment.
- Ms. Peehl noted it is inappropriate to have an 8X10 foot bank of windows in the Historic District where there is nothing else like that except the church. Ms. Peehl noted it is inappropriate to have something that big in the size of the lot. Ms. Peehl stated that “where once you could look over the roof and you saw the neighboring properties and the historic buildings around now her view is obstructed by the shed. As far as aesthetics go they have designed a three dimensional object, yet their concern has been for the front dimension only” and she noted that architecturally it should be looked at from all sides it can be seen from. She felt that the shed is a modern building trying to look historic and obscure the view of other neighbors.

- Mr. Birn – read from HDRB design guidelines on page 39 which refer to new construction style and character “although it is not required that new structure rigidly mimic one of the existing styles it should reflect and fit into the context of neighboring structure local patterns or collections within the district should reinforce it not disrupt it or interrupt it”. Mr. Birn stated he believes that the shed is within the style of the village and the materials used continue the pattern of existing structures. The window patterns are different but the mullion windows are sympathetic with and supportive of the window pattern throughout the Village. Although most auxiliary structures are one story there is a large group of buildings that are two stories between Fair St. and Church St. The size of building is well within the patterns that are typical of Cold Spring.” Mr. Birn noted he couldn’t see any criteria by which one could say this building is not appropriate within the District. He noted that he supports the application. He said he feels it is unfortunate the way that one member of the community has taken over the process.

Mr. Fred Norgaard, 9 Fair St. – noted he was glad that Mr. Birn referred to the new construction section of the Guidelines since this project is clearly new construction. It is not replacing or reconstructing the original one. Mr. Norgaard noted his main objection is the size of the structure and noted the aesthetics must be considered. Mr. Norgaard noted he felt the size is inappropriate from his yard. From his yard it is a very imposing structure. Many people just view it from the street. The old shed was tucked under trees and this one is much higher and longer. The part without walls is now part of the footprint. Mr. Norgaard noted he went to the Village, as he has done several times before, and read section of the code which explains what this Review Board does. He felt the main thing the Review Board should do is review proposed alterations. He noted he was not sure that was being done at this meeting. Mr. Norgaard asked if they were approving structures that have already been built and will that set a precedent.

- A. Zgolinski - responded the Board has been in this situation before. There have been instances when someone has built something without approval and then has been stopped. The Board would then have to review the work. The reason for this meeting is because of the obvious controversy regarding the structure. It was pointed out that the Certificate of Appropriateness had expired and the Applicants were directed to submit another application. The application was submitted and that is why it was being reviewed.
- Mr. Norgaard- asked if there was a survey since he did not see one and noted it was required as part of the application.
- A. Zgolinski noted the survey should have been part of the original application.
- Mr. Norgaard - noted a piece of the shed is on another persons’ property.
- A. Zgolinski - responded that a final survey would indicate where the shed was built. As far as it being built on an adjacent property, that is a matter for the Building Inspector and is not something that the Historic Board is reviewing at this meeting.
- Mr. Norgaard pointed out that the design standard notes that all new construction must comply with all Building and Zoning Codes. He also feels that this shed is an enlargement of a non-conforming structure.
- A. Zgolinski responded that the shed is currently in front of the ZBA. The Zoning Board will determine that issue.

Mr. Andrew Hall, 13 Fair St. - noted that he didn't believe that the HDRB can act until the ZBA makes a decision and also believes that the plans don't match what was built. Suggested a way to resolve that is for the Board to go and look at the building.

- A. Zgolinski noted construction inspections are the duty of the Building Inspector.
- Mr. Hall noted if you refer to the original application there was no foundation included in that application and now there is a large foundation in place. Mr. Hall referenced a statement made by a previous board member who approved the original application and made a comment at a later meeting that she would not have approved that structure.
- A. Zgolinski corrected Mr. Hall by noting that the member in fact stated that although she voted for the shed, after seeing it is constructed she wasn't sure she would have voted for it.
- Mr. Hall asked P. Downey about a shed application that appeared before the HDRB several weeks ago and at that meeting he noted P. Downey stated the standard size of a shed is 10'x 6'.
- P. Downey corrected him by responding he was referring to a prefabricated shed; these have standard 10'X 6' measurements because of the way the plywood is cut to make prefabricated sheds. This application is not for a prefabricated shed and therefore those dimensions do not apply.
- Mr. Hall noted that in summer the foliage obscures the shed but all the foliage is on adjacent properties, all of the benefits of shielding and or landscaping derives from adjacent properties.
- Mr. Birn - asked what any of what Mr. Hall was commenting on had to do with the application.
- Mr. Hall - responded that the point is in winter it is very different than it is in the summer. Doesn't think it is logical to compare a preexisting non-conforming structure with new construction.

Mr. Paul Henderson, 14 Stone St. - noted they never produced architectural drawings. They wouldn't be required to for a project of this size. On the drawings it shows a foundation and noted that is what was used for construction. Mr. Henderson noted that there were a lot of misstatements made by several members of the public who spoke.

Mr. Frank Dewald, 15 Stone St. - noted he believed there are five structures between Main St. and Cross St., which are at the rear property lines. As far as size and scale are concerned the shed is consistent with what is in that block.

Ms. Susan Peehl, 13 Fair St. - responded that this is why they are contesting this project because it is a shed and those referenced by Mr. Dewald are garages. A garage is for cars this is supposed to be a garden shed for tools and potting plants. She asked why does it have windows and why is it over 15 feet tall?

Chairman Zgolinski closed the public comment portion of the meeting and opened the meeting for comments from Board members. Chairman Zgolinski asked each Board member if they had any comments. The Board members responded as follows:

- P. Downey – no comments
- M. Early – no comments
- Bachan – no comments
- K. Foley – inquired about the muntin pattern on the doors in the submitted photographs since during her visit to the site the doors did not seem to have been installed. Upon closer

examination of the image it became clear that the lines in the image were actually from a trellis, not a door. Mr. Henderson confirmed that the doors will be solid double doors.

- A. Zgolinski – no comments

Chairman Zgolinski asked Board members if they were ready to vote on the application. Board members responded yes.

Chairman A. Zgolinski called for a vote on the application and noted Board members can comment on their reasons for their decisions if they choose to. The vote went as follows:

- A. Zgolinski – noted it is unrealistic to expect nothing in the Village to change. This is a Historic District we all live in and that requires changes. Obviously people live differently now than they did in the 1800's. To expect that a shed will always stay the same in the District is unrealistic. He noted that he previously voted yes on the application and votes yes again.
- P. Downey votes yes and noted he also originally voted for it. As pointed out there is precedence up and down the street and it conforms to the guidelines.
- C. Bachan noted she was not on the Board when the project was previously approved. She noted she had looked at the context of the block on which this shed is built. Even though the shed is seemingly large and high for a shed but if you look at and compare it to other accessory structures on Stone St and Fair St. many of them are also quite large. Many of those structures are now probably used as garages but were not originally used for garages. They were probably used for horses and carriages and things like that. C. Bachan believed in the context of that block the shed is appropriate and votes yes.
- M. Early noted she was not on the Board at the time of the original proposal but votes yes.
- K. Foley noted she was on the Board and voted yes the first time. She felt her feelings about the application have already been reflected in the comments by the other board members and votes yes.

B. Elmesco/Dunkin Donuts and Mini Mart, property located at 33 Chestnut St.

Ms. Cynthia Falls, GK&A Architects presented the project and noted that she is working for Mr. Elmes and not Dunkin Donuts. Ms. Falls presented pictures of the proposed project. Ms. Falls noted that Dunkin Donuts stores are run by individual owners and just give a small percentage of their profits to the Dunkin Donuts Company. The project was presented as follows:

- Convert the existing garage and office to a Dunkin Donuts with a mini mart convenience store and a drive-through window.
- The neighborhood around the site contains mixed architecture. Examples given Foodtown, 19th century homes, another gas station and a bank from the 1970's.
- The architect worked hard on the conversion of the gas station to be the best design for this project. The gas station will look almost like it did in the 1950's.
- Stucco will be used to parge over existing cement block.
- No new construction will be added.
- There is one area where the windows will be obscured which is where the equipment will be located inside.
- Small sidewalk was added to the front of the building with a small curb.

- Per discussions with the Planning Board, There will be fewer bollards than what was presented on the drawing.
- Except for the menu board, signage will not be back-lit but will have overhead lighting.

At 8:55 P.M. Chairman Zgolinski gave the public 5 minutes to review the drawings. The meeting reopened at 9:01 P.M. for public comment. Chairman Zgolinski asked the public to please stick only to architectural questions and noted that the Board does not review color.

Ms. Stephanie Hawkins, 15 Academy St. – asked the following:

- She is concerned whether or not the menu board was going to be back lit. Ms. Falls answered it will be back lit but it will be very low wattage.
- How big is the menu board? Ms. Falls answered a little taller than a roof of a car and as wide as an oil tank.
- How bright will the lights be? Ms. Falls answered not very bright they will be using LED lights.
- Will the lights be on all the time? Mr. Elmes answered only during the hours of operation which will be the same as currently.

Mr. Dave Divico, 18 Chestnut St. - note he moved in 35 years ago has no problem with the look. Concerned about the lights that were previously approved under the canopies and the corner he noted they are way too bright. Mr. Elmes has been a good neighbor when the brightness of the lights was an issue in the past and noted that Mr. Elmes tried to tone them down. Mr. Devico noted his concerns are all about the lights and asked about the light wattage and the source of the lights. Wants to see a lower wattage and it all seems to be addressed.

Mr. Joe Chapman, 50 Beverly Warren Road – He noted he did not understand how the design fits in the 19th century character of the village. A. Zgolinski responded there are different neighborhoods in the Village and they all have their own characteristics.

- A. Zgolinski noted that Mr. Chapman was referring to Main St., which is the 1800's portion of the Village. This building is set in context of a mid-20th century strip of buildings. The design was discussed at various workshop meetings and the Board felt this design was most appropriate and fit in the context of its neighbors.
- Mr. Chapman asked how that design fit in context to the neighbor across the street and to the neighbor to the north.
- A. Zgolinski noted the neighbor to the north is new construction. At some point there are divisions between certain styles starting at the house to the north and moving toward Main St. is of a one era and certainly starting at the gas station moving south is of a different era.
- K. Foley added the design was debated at length and the Board feels that this area represents a 50's -60's automobile based commercial district. This gas station represents that era the Board discussed with the Applicant in workshop the appropriateness of embracing the building for what it is and not make it something different than what it was.

Ms. Lila Tice Gold, 6 Chestnut St. – noted the following

- Every small town has a strip mall and we have everything needed there if you don't want to drive to it you can walk to it.
- Asked what is all the fuss is about?

- The only thing is she noted was to lower the lights.
- She likes to look up at the sky and would like to see the sky get dark at night.

Ms. Patty Healy, 22 Chestnut St. - noted the following:

- She lives right across the street from the gas station.
- Her home was built in 1881 and have been good neighbors. Her concern is the lighting of the building.
- Worried the light from the car's headlights exiting the drive-through, at the rear of the building, would come in bedroom window which faces Route 9D.

Mr. Paul Healy, 22 Chestnut St. – Noted currently gas deliveries are at 5 or 6 o'clock in the morning and asked why the drive-through can't go the other way. With the current proposal the headlights from the cars leaving the drive-through will shine in their bedroom windows.

Mr. Paul Henderson, 14 Stone St. – asked if the units on the roof can be screened by the band on the top of the roof. He noted that everything in the proposal is contained except the units on the roof seem to stand out. Mr. Elmes noted they are in the back of the roof and the gas canopy goes higher in the front to help shield the units.

Ms. Karen Parks, 25 Chestnut St. – asked the following:

- What is the actual dimension of the roof structures? Noted from her house she looks directly down onto the roof.
- Asked for the actual dimensions of the parapet – she felt they should be increased since they are only about 1 foot high. A. Zgolinski noted the parapet is not being increased. Ms. Falls responded that the units on the drawings are only photo-shopped in and the size is not the actual size, it was just estimated; she felt the public will not see them from most perspectives.
- Ms. Parks felt it was important to get the actual size of the roof units and what will they look like
- Asked if the units on the roof were going to be screened in.
- Asked why some of the windows are opaque. Ms Falls responded that some shelving and equipment are behind those opaque windows. She pointed out that the bay is about 10 ft. high each pane is about 2-½ ft.
- Asked if there is any enter and exit signs.
- Likes the aesthetic of the garage.
- Concerned about the look of the canopy did not really like the racing stripe and noted she almost thinks the shingle canopies might be better and less intrusive.

Mr. Paul Healy, 22 Chestnut St. - noted now lights from soda machines glare into his window and asked if that is the case now, how will it look later? He noted he finds the lighting unacceptable.

Karen Doyle 15 Marian Ave. - expressed the following:

- Lives right behind Dunkin Donuts ask what is going on in the back of the building such as lighting the menu board, air conditioner units on the roof and screening. Ms. Falls responded there will be an overhead light over a back door and the light will be shielded to aim down. A lot of the lighting issues are being taken care of through the Planning Board.

- Asked if the applicant was going to get a Certificate of Appropriateness after this meeting or if the public hearing will be continued until all issues are corrected. A. Zgolinski responded that Board will discuss that with the Applicant but the HDRB can approve what is being proposed and if any changes occur as part of the Planning Board review which impact decisions made by the HDRB, the Applicant will have to come back.
- Asked about the menu board in the back and Ms. Fall replied that the Planning Board is also reviewing the menu board. The menu board will be internally lit. The Planning Board has all the information for the signs
- Asked if the public will be able to comment on items that may be changed.
- She inquired about the size of the menu board. Ms. Falls answered the height of the sign will be about 6'6" by about 10' but the sides are angled and turned in so it will not be 10 ft. wide. The sign will be placed in a grassy landscaped area in the back of the building.

Ms. Judith Rose, 7 Marion Ave. – commented on the following:

- Noted she loves Dunkin Donuts.
- Her house is lower on Marion Ave. so lighting that looks reasonable comes in her windows since her house is set low, below most lighting.
- Currently she does get light from Foodtown in her home and recommended that no bulbs to show.
- Noted that in all the years she worked on the comprehensive plan, it was always very clear that they did not want to advise drive-trough's in the Village. This is now incorporated in the Comprehensive Plan and asked the Board to consider this when approving a plan that includes a drive-through.
- Why make special exceptions with the menu board? Why make special exceptions when the drive-through is something the Village doesn't want? Why make a special exception for something that isn't even keeping in the Comprehensive Plan.
- Many people walk up and down Marion Ave. We are a walkable village. You can promise fences, you don't know if they will be approved by other boards. They will need a variance and the applicant said they are not going to the ZBA.
- If there is a menu board it should be treated the same way as any other sign in the village and not allow it to be back-lit.

Ms. Patty Healy, 22 Chestnut St. - noted the esthetics look good but doesn't know how the drive-through will work with property of this size.

Ms. Karen Parks, 25 Chestnut St. - asked if the public will have a chance to comment after the items discussed at this meeting have been addressed. A. Zgolinski responded that by code, after a public hearing, the Board is required to render a decision within 15 days of the close of the public hearing. If no vote is taken it is automatically approved. It will be up to the Applicant to decide if they want the public hearing to remain open or to close it. If the Applicant is agreeable, they can continue the public hearing pending other issues and continue the public hearing at a later date.

Paul Henderson, 14 Stone St. – expressed the following:

- Asked if the rear elevation will still have the appearance of being a rear elevation.

- What is the difference between what the property is used for now compared to what it will be used for?
- Noted that is what the Planning Board was trying to do move the drive-through not eliminate it.
- Expect that the parapet would not be expanded in the back to look less like a back and be treated more like a continuation of the front to look like a three dimensional building.

The Chairman closed the public comment period of the meeting.

A. Zgolinski reviewed the following list of public concerns:

A. Lighting – reducing the number of lights to reduce glare and spill over to adjoining properties.

Mr. Elmes responded with the following comments:

- All canopy lights are special ordered 250watt (normally bulbs are 400 watt).
- The bulbs cost over \$200 each and he has two spare bulbs.
- Lights were turned toward the building rather than towards the street to keep the glare down.
- Removed about 32 feet of fluorescent bulbs that will be replaced with low wattage bulbs that will just light up the building.
- The back delivery door will have a dark sky compliant fixture that will shine on the building or on the ground.
- One light over the Dunkin Donut sign was reduced and low wattage bulbs will be used.

A. Zgolinski noted the current NY Energy Code has a section, which addresses light pollution and light trespass.

B. The Drive-through – K. Foley noted that this this issue is not under HDRB purview. The issue lies more in the purview of the Planning Board. C. Bachan noted it is not necessarily an aesthetic issue. Mr. Elmes noted 60% of Dunkin Donut business is from a drive-through and should not be intrusive. It was noted that drive-trough's have precedents in this area of the Village , including M&T Bank and the gas station.

C. AC units on the Roof – The Board members expressed the following options:

- K. Foley felt very strongly about not covering the air conditioner units. It is clear what their function is - they are what they are and the architect should not obscure them with any structure. Building a structure around the units "in which there are no dimensions" is a bad idea. The Board has worked so hard to streamline the structure and retain the building's original character and now it is treatin the roof in a way that is artificial.
- Bachan noted in our guidelines air conditioner units on the ground are required to be shielded.
- P. Downey noted you would be creating more bulk on the roof.
- K. Foley noted the Board needs to know the dimension of the air conditioning units before making a determination.
- A. Zgolinski noted the drawing is an estimate they should not be much larger than what is shown.
- K. Foley noted if the air conditioning units need to be enclosed that will make a difference. Ms. Falls noted the units will be larger than shown.

Ms. Karen Parks noted she would like to know the shape and size and where on the roof they will be located. Ms. Falls noted by code they must be 10 foot from the edge 10 foot from the back parapet and 10 foot from the side and would use that as the guideline basically as shown.

D. Counter height and the number of opaque windows – A Zgolinski noted the counters would come up to at least the second pane of glass and asked the Applicant if the bottom two panels can be opaque. Ms. Falls noted she had no problem making the panels opaque.

E. Signage other than what is currently shown – any new signage or sign changes will have to come back before the Board. Mr. Elmes noted they planned on replacing a credit card sign with a Dunkin Donut sign. But noted the Citgo sign was hit by a delivery truck and noted the frame is no longer made.

- Zgolinski asked if the Citgo sign by the road can be replaced with an externally illuminated sign.
- K. Foley raised the question that if the current sign is non-conforming a replacement sign would need to be brought into compliance with current code.
- A. Zgolinski noted if the sign is replaced internal laminated signs are not allowed in the district.
- Mr. Elmes noted he has never seen an externally illuminated sign. The sign will be the same but the frame is no longer made. Mr. Elmes noted that most new signs are digital.
- K. Foley asked if the menu board can be externally illuminated.
- Ms. Falls noted she has never run into the issue of externally lit signs before. You have to be able to read the sign. And they do have internally lit menu boards in other historic districts. She explained how signs need to be changed frequently. There has to be lights so the whole menu board can be seen.
- K. Foley believed that it was not likely the first time that the question of non-internally illuminated menu boards was raised in an Historic District and asked that the architect investigate options.
- A. Zgolinski suggested a possible fence across the back. Ms. Falls will look into it.

A. Zgolinski asked how far along the Applicant is with the Planning Board. Mr. Elmes responded they should have a public hearing soon. A. Zgolinski noted he thinks the overall design is good. Certain issues need to be further addressed and thought the public hearing should be continued to address the clarity.

A. Zgolinski asked all Board members if the delivery door were to be moved to the back of the building would that be a problem. All board members responded no.

F. Canopies – codes address how much lighting is required. A. Zgolinski noted the reason for the canopy is the fire extinguisher system installed inside the unit.

G. Back Façade – A. Zgolinski noted the parapet is still an issue. A. Zgolinski asked if the roof was going to be insulated. Mr. Elmes noted it was insulated 10 years ago and there is about 5 inches of insulation behind the roof deck. A. Zgolinski noted it is probably not up to code Mr. Elmes noted the back of the building is elevated already and there is foliage that covers it for all but two months of the year.

H. Bike Rack - M. Early noted elevations are incorrectly labeled and asked if the placement of the bike rack is the safest place since that is where the cars will be entering. Ms. Falls noted the bike rack will be used but the exact location has not yet been determined.

Ms. Falls noted the following:

- The number of u-shaped bollards will be decreased.
- Parking – parallel parking will be used.
- The menu board will be lit only during hours of operation, which is 6:00 A.M. until 10:00 P.M.
- The garbage enclosure would be a wood fence .

Chairman Zgolinski summed up concerns:

- Lighting is a concern regarding its impact on neighbors.
- The Board discussed the drive-through issue regarding whether or not the HDRB should discuss it or whether it is a Planning Board issue. The Board agreed that the question of use is a Planning Board issue.
- AC Units on roof – accurate size is needed.
- Two rows of opaque windows will be used on the bottom two panels of the two bays.
- Canopies – Ms. Karen Parks noted she did not like the big stripe.
- Illuminated menu board - K. Foley noted she needs to be convinced that an illuminated menu board is the only option.

Chairman Zgolinski recommended a continued public hearing on August 8, 2012 to give the Applicant a chance to make any changes the Planning Board may recommend. The Applicant agreed.

Mr. Elmes noted he will not change the illuminated Citgo sign. Mr. Elmes noted he is trying to do the right thing. Lights in canopy are ordered special and are low wattage .

4. Correspondence:

- RFP - for the Grove
- Minutes from other boards – for review
- Preservation League of New York State – Annual Report 2011 “they’re here because we are”
- Putnam County News and Recorder - Affidavit of publication for July meeting

5. Board Business:

- The Board discussed possible uses for the Grove and discussed possibly trying to get the Foundry Museum interested.
- Trustee Matt Francesco recommended that the Board prepare a monthly report to be sent to the Village Board of Trustees. Suggested it was a good way for the two boards to interact. K. Foley will draft the reports for Board review.
- Billy Fields, 11 Locust Ridge – was not able to make the agenda for this meeting; explained his fence proposal and was put on the agenda for August.

K. Foley moved to adjourn the meeting and P. Downey seconded the motion. The meeting was adjourned at 11:03 P.M.

Al Zgolinski, Historic District Review Board Chairman

Date