

May 15, 2012

**TUCKAHOE SIGN AND AWNING BOARD
TUCKAHOE VILLAGE HALL – 2:30 pm**

Present Chairwoman Ann Marie Ciaramella
 Member Nicole Pushkal
 Member Barbara Nieminen

Also present: Bill Williams Building Inspector
 Michael Seminara Code Enforcement Officer

Item #1 Approval of Minutes – April 24, 2012

Item #2 29 Columbus Avenue Adjourned

Item #3 72 Main Street Return

Item #1 Approval of Minutes April 24, 2012

Member Pushkal motioned to approve the minutes of the April 24, 2012 meeting. This motion was seconded by Chairwoman Ciaramella and unanimously carried by the Board with a vote of 3-0.

Item #2 72 Main Street New Awning

Ms. Scannell greeted the members and said she had a question regarding amendments and the codes changing, what is acceptable and what is not acceptable, should I adjourn this meeting or am I still spinning my wheels and it's going to be denied anyway. I just need to know what I am doing.

Member Nieminen said she does not know how the change reads.

Mr. Seminara said let's start by saying the adopted change, we don't know whether or not it's going to pass; let's assume it does pass, it still has discretion when it comes to compatibility, likeness, all that stuff. One of the Trustees brought up at the meeting, we can allow everything, but it's still the discretion of the board whether or not it's compatible. If they don't feel it's compatible, it's a mute point.

Chairwoman Ciaramella said, the board can still vote either way.

Mr. Seminara said, the only difference would be now you would need a 3-0 vote. If they allow stripes, the discretion is still there; and if somebody says it's incompatible, we don't think it's something appropriate, it can still be voted down 2-1. That's the way I read the code, and that's the way Bill reads the code right now. With the changes that are proposed, unless they take those words out, compatibility, likeness, which it's not proposed at this point, it is still open for discretion.

Chairwoman Ciaramella said that another point needs to be clarified regarding the fire resistance material. She asked if Bill is coming.

Mr. Seminara said yes. Mr. Seminara also said, we can postpone it, but if they change the code and it's adopted right now, it's still up for discussion, which you can talk to the three members of the board about. That's open for conversation now.

Chairwoman Ciaramella said we have discussed that already.

Mr. Seminara said postponing or not, it's a mute point.

Chairwoman Ciaramella said, we have given our input and thoughts.

Mr. Seminara said she is looking for guidance.

Member Pushkal said we have had four meetings and Ms. Scannell said she attended every one of them. So according to the new sign and awning law if passed, then everything should go.

Chairwoman Ciaramella said, not if what was just said is the case, that they leave the whole discretion point. That's where the difference would be, and if they take that out, then they don't need this board because then there is no discretion given in terms of those particular issues.

Member Niemen said she will be a devil's advocate. She said she initially liked the stripes. So, if they make the change to the code, and she totally understands your point that if we allow these stripes to go up, how do we control everybody on Main Street from putting up striped awnings and things getting very junky and busy looking. I totally understand that, and you understand that is AnnMarie and Nicole's whole basis. Once we let one person put up a striped awning, how do we control it.

Ms. Scannell asked if the board had seen the new amendment. There are a few new things on it, that stripes will be allowed under 3 colors. I don't believe a phone number is allowed, but stripes will be allowed with a 3 color minimum.

Chairwoman Ciaramella said, do you understand what you said, even if that were in the code and the trustees voted that particular wording in and didn't vote out the whole issue of discretion, according to architecture, concept of the neighborhood, it still is the discretion element that remains with the board. If the board only has to read the code to make a discussion, then all you have to do is go to the building inspector, say this is what I want, he reads it and that is it, he doesn't have discretion, he has to go by the code.

Ms. Scannell said, I can understand that, but this is something done in good taste, that will compliment the building, it's not loud; I am not putting up florescent sign or florescent awning. The building will be uniform.

Member Nieminen said, you understand it sets a precedent.

Chairwoman Ciaramella asked, "what do you mean building uniform"?

Ms. Scannell said she is having her awning redone also, to compliment the other awning.

Chairwoman Ciaramella said that is another element that adds to it as well, if you have one then we have to say yes to all. That is the whole point.

Mr. Seminara said, he just found out now, and Bill said the application that is in front of you now is the code as it is adopted now, doesn't allow the change, and she would have to withdraw the application and reapply, if she going on with the new code.

Chairwoman asked if she would have to pay again. Mr. Seminara said he wasn't sure about paying so much, but she would have to withdraw her application.

Member Niemen said the way the code reads now, it doesn't say whether you can or can't have stripes whether we do it now or afterwards it's the board's discretion.

Member Pushkal said it's our discretion, that's why we vote on things. It has nothing to do with a personal issue, it's the discretion of the board whether we think one sign is going to lead to more signs, we have been doing this for four years. We have foresight to see if down the road it might be a problem; that is what it is, it's what a board does.

Ms. Scannell said it is a problem, Tuckahoe Paint and Glass put up what he wanted to put up.

Member Pushkal said it's was not approved.

Member Ciaramella said this board does not do enforcements.

Member Pushkal said two wrongs don't make it right, and we are still dealing with that, it's still an issue.

Ms. Scannell said she will adjourn to next month.

Chairwoman Ciaramella said even if we vote then, we still vote under the old code not the new code.

Member Nieminen said it does not make a difference to us whether it's the new code.

Member Nieminen wants to find out under the new code, if she does put up her stripe awning and the person next door wants to do a stripe awning, are we able to say. . . (interrupted) Chairwoman Ciaramella said that is discretion on our part. No discretion, no board.

Member Pushkal said all good work we've done is down the tubes.

Chairwoman Ciaramella asked what is your take on this.

Member Pushkal said that we should have voted three times ago, she has been here three times.

Ms. Scannell said she is just hearing totally different things.

Mr. Seminara said the trustees are not this board.

Ms. Scannell said she is not talking about the trustees.

Mr. Seminara said, you do understand the adoption is in front of the trustees. They will set a precedent and that will become code but the code still has discretion, like compatibility, and all the other stuff that will remain in our board because I don't think the board of Trustees wants to dictate 100% of an application to this board. At least I don't know if that's what the board is all about, otherwise as the chairwoman said who needs a board. Because if they start with ABC, they come in to the building department, will build ABC no need to look at surrounding building, surrounding area.

Member Pushkal said this is what we are here for, to look at the whole big picture of it, vision of the town.

Chairwoman Ciaramella said you said you are hearing 2 different things, what are you hearing.

Ms. Scannell said I am hearing wait till the code changes.

Member Niemen said it does not matter.

Chairwoman Ciaramella said that is not what anybody is saying.

Ms. Scannell said this is what I am told. Not just from the trustees but people in this building, after the code is changed, exactly what I have for my awning, I will get approved.

Mr. Seminara said I was not at the meeting but I watched the meeting. Mr. Quigley explained exactly what was the most important thing in the whole meeting, that is what you need to focus on, we can adopt these changes but it necessarily doesn't mean they will vote in your favor.

Member Nieminen said obviously three of us don't agree and that is why there are three of us.

Ms. Scannell said is it that bad that I cannot get it approved and put this awning up.

Chairwoman Ciaramella said that is not appropriate, we are talking about code, responsibility and professionalism.

Member Pushkal said we are not specific we're talking broadly here.

Member Niemen said I think it would work in this instance if that building were quite isolated from any other store fronts adjacent. Say the building across the street wants to put up a striped awning, I think we have discretion.

Chairwoman Ciaramella said what if the building itself wants to put up the second and third awning.

Member Nieminen said I think that the building with two striped awning with a red or black canopy or even a different style like a dome would look very sharp. That is my opinion, my feeling, I said my piece.

Chairwoman Ciaramella asked what Ms. Scannell decision was.

Ms. Scannell said her decision will be to wait again, I am trying my hardest. Maybe 30 days will help; I am asking for mercy, trying to work with what I have, I think its merchant friendly.

Chairwoman Ciaramella said this is not the first time you said that. At every single meeting we asked if you wanted to delay and we allowed you to give your input as to what you would like.

Application was adjourned to next meeting

The next meeting will be held on Thursday June 14, 2012 at 2:30pm

There being no further comments from the public or business before the Board, upon motion duly made, seconded and unanimously carried, the meeting was adjourned at 3:00 pm.

Chairwoman Ciaramella motioned to reopened the meeting at 3:15 Member Pushkal seconded the motion and unanimously carried by the Board with a vote of 3-0.

Ms. Scannell returned and asked that the board reconsider changing her application to the one that was discussed at the December 20, 2011 meeting, i.e. that the awning be all red, 82017-000 Crimson Red, Fire Retardant material, on the pallet presented by the building inspector, with "Café 72" in 9 inch black letters in a wheat color arch background and "ESPRESSO WRAPS DESSERTS" in 5 inch letters also in black, with a condition be a rendering of the new proposed awning be submitted to the Building Department.

Member Pushkal made a motion to approve the awning for "Café 72" Member Nieminen second the motion and it was unanimously carried by the board with a 3-0 vote.

There being no further comments from the public or business before the Board, upon motion duly made, seconded and unanimously carried, the meeting was adjourned at 3:30 pm.